

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/3629  
28/05  
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Re the Application of: Ogram  
Serial #: 09/400,724 Docket No. 1475B.5A  
Filed: 09/21/1999 Examiner: Ruhl, Dennis William  
For: AN INTERNET THIRD-PARTY PROCESSING SYSTEM... Group: 3629

**APPEAL BRIEF**  
37 C.F.R. 1.192, MPEP 1206

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following brief is filed in conjunction with the Notice of Appeal filed on September 25, 2002 (copy by Appendix).

**FEES (37 CFR 1.17(B)(2))**

Enclosed is check number \_\_\_\_\_ for the amount of \$ 250.00 As computed below:

Appeal Brief	<u>\$ 250.00</u>
(X) Small Entity: \$250.00	
( ) Not Small Entity: \$ 500.00	
Oral Hearing	<u>\$ 0.00</u>
(X) Small Entity: \$500.00	
( ) Not Small Entity: \$ 1,000.00	
TOTAL	<u>\$ 250.00</u>

**REAL PARTY OF INTEREST**

The real party of interest in this appeal is Net MoneyIN Inc., an Arizona Corporation, as evidenced by the assignment recorded on reel/frame 010297/0697.

**RELATED APPEALS AND INTERFERENCES**

There are no other pending appeals or interferences on this application.

**STATUS OF CLAIMS**

Claims 1-5 and 7-10 are the subject of this appeal.

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The examiner rejected claims 1-5 and 7-10 on June 9, 2005.

The relationship of the claims and their status are:

Claim 1	rejected June 9, 2005; (independent);
Claim 2	rejected June 9, 2005; (dependent on claim 1);
Claim 3	rejected June 9, 2005; (dependent on claim 2);
Claim 4	rejected June 9, 2005; (dependent on claim 2);
Claim 5	rejected June 9, 2005; (dependent on claim 2);
Claim 6	withdrawn 8/6/2001
Claim 7	rejected June 9, 2005; (independent);
Claim 8	rejected June 9, 2005; (dependent on claim 7);
Claim 9	rejected June 9, 2005; (dependent on claim 7);
Claim 10	rejected June 9, 2005; (dependent on claim 7);

#### STATUS OF AMENDMENTS

A response to the Final Rejection was filed on July 26, 2005 and was rejected in an Advisory action dated 08/15/2005.

#### HISTORY

This patent application is a continuation of United States Patent application number serial number 09/166,749 filed on October 5, 1998, and entitled "Financial System of Computers", now United States Patent number 5,963,917, issued on October 5, 1999, which was a continuation of United States Patent application serial number 08/597,017, entitled "An Improved Financial Transactions System" filed on February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

The present application was filed on September 21, 1999, and the following salient Office Actions and responses precede this Appeal:

Office Action Dated 07/25/01: Examiner Cosimano required Terminal Disclaimers on the parent issued patents and rejected only claim 6 (35 USC 103(a)) citing Payne (5,715,314 or 5,909,492) or Sirbu (5,809,144).

Amendment A filed on August 6, 2001: Involved Terminal Disclaimers relating to parent patents and claim 6 was withdrawn from consideration.

Office Action dated 10/31/2001: Examiner Cosimano rejected claim 6 (35 USC 103(a)) stating that the previously filed Response was non-responsive.

Amendment B filed on 11/19/2001: Replacement pages together with Red-lined pages sent to USPTO. Claim 6 effectively deleted from consideration

Office Action Dated 03/06/2003: Examiner Cosimano made some examiner's amendments and rejected claims 1-5 and 7-10 (35 U.S.C. 103(a) citing the Communications Week article.

Amendment "B" filed on 05/20/2003: Modifications made to independent claims 1 and 7 and arguments distinguishing the claims over the Communications Week article were made.

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Office Action Dated 07/15/2003: Examiner Cosimano rejected claims 1-5 and 7-10 (35 USC 103(a)) citing the Communications Week Article

Amendment "C" filed on 07/30/03: Independent claims 1 and 7 amended to distinguish over the Communications Week Article.

Office Action Dated 06/09/2005: Examiner Ruhl made a final rejection rejecting claim 3 (35 U.S.C. 112, second paragraph) and rejecting claims 1-5 and 7-10 (35 U.S.C. 102(e)) citing Payne ('314)

Amendment filed on July 26, 2005 Correction made to claim 3 addressing the lack of antecedent basis and arguments made relative to Payne ('314).

Advisory Action Dated 08/15/2005 Examiner Ruhl did not enter the amendment stating that the Amendment Fails to Place the Application in Condition for Allowance.

Notice of Appeal filed on August 23, 2005.

#### SUMMARY OF THE INVENTION

The invention of the present application relates to the ability of a financial processor to automatically connect a customer computer to a merchant computer.

"The payment processing computer links the customer computer back to the merchant computer; the customer provides the password to the merchant's computer and is given access to the full genealogy report." (Page 5, lines 17-20)

"The re-linking of the customer computer to the merchant computer is accomplished in a variety of ways." (Page 5, lines 25-26)

The process of the preferred embodiment is shown best in figure 4B which illustrates the process of determining if the credit card payment is authorized or not, and then connecting the customer's computer to the merchant ("Return to Authorized URL 44P")

"The customer computer is then connected to the authorized URL 44P and the connection with the customer computer is terminated 44Q allowing the program to stop 43C." (Application, page 17, lines 2-4)

Figure 2E also shows the independent claim's characteristic:

"... the payment processing computer 23 ... for reconnecting the customer computer 21 with the merchant computer 22. In this manner, the entire operation is totally transparent to the customer..." (Page 12, lines 15-19)

The independent claims clearly contain this restriction:

- 1 1. A financial processing system operating comprising:
  - 2 a) automatic means for receiving a customer account data originating directly from a remote customer
  - 3 computer, and amount data from a remote merchant computer via a computer network, where the customer computer
  - 4 and merchant computer are separate and distinct computers;
  - 5 b ) automatic means for establishing an authorization indicia from a bank computer; and,
  - 6 c) based on said authorization indicia, means for connecting said customer computer to said merchant
  - 7 computer. (Claim 1, underline added; similar language in claim 7)

The invention is further defined by the other limitations, such as that found in claim 2 and claim 9) ("... communicating a unique password to said customer computer." (Claim 2; claim 9)

- 1 2. The financial processing system according to claim 1, further including automatic means for
- 2 communicating a unique password to said customer computer.

Support for the unique password aspect of the invention is best illustrated in figure 4:

"The password is retrieved from memory 44L and it, together with the transaction identification, is transmitted to the customer computer 44M" (page 16, lines 17-19)

Another aspect of the present invention is the communication of a "transaction indicia" to the customer and is found in claims 3 and 10. ("... communicating ... said representation of said transaction indicia to said remote customer computer." (Claim 3, claim 10). Support for this aspect is best found in figure 4 which reads:

"The password is retrieved from memory 44L and it, together with the transaction identification, is transmitted to the customer computer 44M" (page 16, lines 17-19)

- 1 3. The financial processing system according to claim 2, further including automatic means for
- 2 communicating via said computer network, said password and said representation of said transaction indicia to said
- 3 remote customer computer.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

The examiner has rejected claims 1-5 and 7-10 under 35 U.S.C. 102(e).

EXAMINER'S POSITION

Examiner Ruhl has taken the position that Payne ('314) stating that the

"...means for connecting the consumer computer to a selected site within the merchant computer is disclosed in column 7, lines 31-39 where it is disclosed that the financial computer sends a "redirect to access URL" to the consumer computer after authorization of the purchase is confirmed. The URL is a link that connects the consumer computer to a site in the merchant computer so that the merchant computer knows that the payment has been completed and the user is authorized to view the purchased article." (Office Action, page 3, lines 9-15).

The actual reference used by Examiner Ruhl within Payne ('314) states:

"The payment computer then sends a redirect to access URL to the buyer computer (step 90) which sends the URL to the merchant computer (step 92). The merchant computer verifies whether the access URL authenticator was created from the contents of the access URL using the cryptographic key (step 94). If not, the merchant computer sends a document to the buyer computer indicating that access to the product is denied (step 96)"

ISSUES

The issue before the Board of Appeals is if the rejection of claims 1-5 and 7-10 under 35 U.S.C. 102(e) citing the Payne ('314) patent is proper.

ARGUMENT

35 U.S.C. 102(E) Citing Payne '314 issue: Examiner Ruhl relies upon the following passage as support for the contention that the customer is automatically re-connected with the merchant within Payne ('314):

"The payment computer then sends a redirect to access URL to the buyer computer (step 90) which sends the access URL to the merchant computer (step 92). The merchant computer verifies whether the access URL authenticator was created from the contents of the access URL using the cryptographic key (step 94). If not, the merchant computer sends a document to the buyer computer indicating that access to the product is denied (step 96)" (Payne '314 col. 7, lines 31-39, underline added)

Payne is a very simple concept as it attempts to accomplish a single objective, to provide a mechanism which allows the merchant to receive an order which is not forgable.

"The invention provides a simple design architecture for the network sales system that allows the merchant computer to respond to payment orders from the buyer computer without the merchant computer having to communicate directly with the payment computer to ensure that the user is authorized to purchase the product and without the merchant computer having to store information in a database regarding which buyers are authorized to purchase which products." ( Payne, '314, col. 2, lines 3-11)

This objective of Payne is accomplished using an "access message" which serves as a ticket or receipt for the product:

“... when the merchant computer receives an access message from the buyer computer identifying a product to be purchased, the merchant computer need only check the access message to ensure that it was created by the payment computer.” (Payne, ‘314, col. 2, lines 11-15)

The “access message” is sent by the customer to the merchant as a “ticket” or “receipt” for the product that is to be delivered.

While Payne does use the term URL (universal resource locator), the use of the term URL is not intended to mean a “linkage” or “connection”, rather, URL is used only as a reference to identify the product which is sought:

“The user browses through the advertising document and eventually requests a product (step 32). This results in the buyer computer sending payment URL A to the payment computer (step 34). Payment URL A includes a product identifier that represents the product the user wishes to buy.” (Payne, ‘314, col. 5, lines 27-29)

Note, the “Payment URL” is not a linkage identifier between the customer and the payment computer, it is rather “... a product identifier...”.

In like fashion, the payment computer and the merchant computer utilize a “payment URL authenticator” to identify the product being sought and how long the product is to be made available to the customer:

“The payment URL authenticator is a hash of other information in the payment URL, the hash being defined by a key shared by the merchant and the operator or the payment computer.” (Payne, ‘314, col. 5, lines 44-46)

Examiner Ruhl failed to properly read the referenced section of Payne. Payne ‘314 does not indicate that the “buyer computer” is reconnected to the “merchant computer” by the “payment computer”! Rather, the passage clearly states that

“... the buyer computer ... sends the URL to the merchant computer...” (Payne ‘314, Col. 7, lines 32-33; underline added)

A re-connection is not sent, it is done. A re-connection is not even contemplated; Payne clearly is passing messages and not re-connecting, otherwise, why would Payne include such items as (Payne ‘314, col. 5, lines 23-42):

“...a product identifier that represents a product the user wishes to buy..” (a re-connection doesn’t need to know the product)

“...a domain identifier that represents a domain of products to which the desired product belongs...” (why would this be used in a re-connection?)

“... a payment amount that represents the price of the product...” (The pricing of the product is not important if there is to be a re-connection)

“...a merchant computer identifier that represents merchant computer 14 ...” (If the URL was a re-connection link, then this information is already in the URL)

“... a merchant account identifier that represents the particular merchant account to be credited with the payment amount...” (re-connection has nothing to do with the merchant’s bank account)

“ ... a duration time that represents the length of time for which access to the product is to be granted to the user after completion of the purchase transaction...” (not used for any type of re-connection or linkage process)

“ ...an expiration time that represents a deadline beyond which this particular payment URL cannot be used...” (the use of an expiration is not germane to any type of re-connection or linkage)

“... a payment URL authenticator that is a digital signature based on a cryptographic key...” (why would a re-connection need a cryptographic key?)

While none of these elements of the Payment URL are usable or required in any sort of re-connection/linkage, they all have a business purpose of serving to assist the merchant in making sure the proper product is delivered during the proper time frame to the proper customer.

The connection with the “merchant computer” is initiated and made by the “buyer computer”; and, why is this done, because the “access URL” is not a re-connection between the two computer but rather a “pass” or “ticket” which is used repeatedly by the “buyer computer” and is passed to the “merchant computer” similar to the use of bus pass in the real world. Simply look at the contents of “access URL”:

“... the payment computer creates an access URL (step 80) that includes a merchant computer identifier, a domain identifier, a product identifier, an indication of the end of the duration time for which access to the product is to be granted, the buyer network address, and an access URL authenticator that is a digital signature based on a cryptographic key.” (Payne, ‘314, Col. 7, lines 19-25, underline added)

Payne is a “ticket” or “receipt” :

“This is done because the buyer computer can request access to a purchased product repeatedly.” (Payne ‘314, col. 7, lines 42-43)

At each use by the “buyer computer” to gain access to the product, access to the “payment computer” is not required; hence, the “access URL” is simply a “ticket”, not a re-connection as the present invention clearly claims in the independent claims.

Even in the alternative embodiment discussed in Payne, (where the “Merchant Computer” interacts with the “Payment Computer”, the “Payment Computer” simply provides:

“... the payment computer sends a payment confirmation document to the buyer computer, the payment confirmation document including an “open” link and a “continue” link (step 44).” (Payne ‘314, col. 6, lines 5-8)

A full analysis of Payne on this point was provided by Examiner Cosimano when he said:

“A) the prior art, for example, either Payne et al (5,715,314 or 5,909,492) disclose a payment/settlement system in which an user at a consumer computer communicates via a computer network with a merchant computer. When the user wishes to purchase an item, the consumer computer communicates payment information for user’s order to a remotely located payment processing center via the network. The payment processing center then requests an authorization indicia from a financial

processing computer. Once the payment processing computer receives the authorization indicia, the payment processing computer sends an indication of the authorization to the merchant. Once the indication of the authorization has been received by the merchant, the merchant releases the ordered items to the customer based on the procedure established by the terms of the transaction.

B) however in regard to claims 1, 5, 9 & 12, the prior art does not teach or suggest that the remote authorization computer would connect the customer computer to a selected site in the merchant computer in response to the authorization indicia." (USPTO Serial No. 10/055,247, Office Action dated 1/21/2004, page 4, lines 13-26, underline added)

Clearly, the claims cannot be anticipated by Payne as Payne teaches the use of a ticket that can be used repeatedly and is "handed in" by the customer, not by the processing computer.

The next question that must be addressed is if Payne is able to teach or suggest the claims to one of ordinary skill in the art.

First, Payne is completely silent as to any control on the re-connection; Second, Payne's function is to create a "ticket" so that access can be granted.

The concept of re-connecting the "buyer" and the "merchant" computers is alien to Payne. Even in the alternative embodiment discussed in Payne, (where the "Merchant Computer" interacts with the "Payment Computer", the "Payment Computer" simply provides:

"... the payment computer sends a payment confirmation document to the buyer computer, the payment confirmation document including an "open" link and a "continue" link (step 44)." (Payne '314, col. 6, lines 5-8)

The present invention provides not only an automated initial re-entry into the merchant's site (claims 1 and 7) but also provided for successive "visits" by the "buyer"/customer through the use of a password (claims 2 and 9) which Payne is incapable of teaching or suggesting.

The teachings of Payne are directed solely to the creation of a ticket; no automatic re-connections are possible. One of ordinary skill in the art would not abandon the "ticket" teachings to arrive at the present claims.

**PRAYER/REQUEST:**

It is respectfully requested that claims 1-5 and 7-10, be allowed and advanced to issuance.

**REQUEST FOR ORAL HEARING:**

An oral hearing is not requested.

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ENCLOSURES:

- 1) Notice of Appeal dated 08/23/2005;
- 2) Pending Claims;
- 3) Office Action of 07/25/01;
- 4) Response to Office Action of 07/25/01 filed 08/06/01;
- 5) Office Action of 10/31/01;
- 6) Response to Office Action dated 10/31/01 filed on 11/19/2001;
- 7) Office Action of 03/06/2003;
- 8) Response to Office Action dated 03/06/2003 filed on 5/20/2003;
- 9) Office Action of 07/15/2003;
- 10) Response to Office Action dated 07/15/2003 filed on 7/30/2003;
- 11) Office Action of 06/09/2005;
- 12) Response to Office Action dated 06/09/2005 filed on July 26, 2005;
- 13) Advisory Action dated 08/15/2005;
- 14) United States Patent number 5,715,314;
- 15) Copy of Patent Application with Filing Receipt

Respectfully Submitted,

  
Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

Date: Sept. 26 2005

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CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA. 22313-1450, on Sept 26 2005.

  
Mark E. Ogram Reg. No. 30343

9/26/2005



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**EVIDENCE APPENDIX**

NONE

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**RELATED PROCEEDINGS APPENDIX**



NONE



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**HISTORICAL APPENDIX**

- (1) Notice of Appeal
- 3) Office Action of 07/25/01;
- 4) Response to Office Action of 07/25/01 filed 08/06/01;
- 5) Office Action of 10/31/01;
- 6) Response to Office Action dated 10/31/01 filed on 11/19/2001;
- 7) Office Action of 03/06/2003;
- 8) Response to Office Action dated 03/06/2003 filed on 5/20/2003;
- 9) Office Action of 07/15/2003;
- 10) Response to Office Action dated 07/15/2003 filed on 7/30/2003;
- 11) Office Action of 06/09/2005;
- 12) United States Patent number 5,715,314;
- 13) Copy of Patent Application with Filing Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Ruhl, Dennis William  
Filed: 09/21/99 Group: 3629  
For: AN INTERNET THIRD-PARTY PAYMENT PROCESSING SYSTEM AND METHOD THEREOF

NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
35 U.S.C. 134 (MPEP 1205)

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated June 9, 2005 rejecting the following claims: 1-5 and 7-10.

FEES:

The fee for this Notice of Appeal is computed as follows and is paid by check number 4324:

Notice of Appeal (37 CFR 1.17(b)(1))	\$ <u>250.00</u>
(X) Small Entity \$ 250.00	
( ) Not a Small Entity \$ 500.00	

SMALL ENTITY:

A verified statement of small entity status under 37 CFR 1.27:

( ) Is enclosed  
(X) Has already been filed in this application

APPEALED CLAIMS:

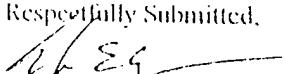
The claims which are presented in this appeal are: 1-5 and 7-10.

SIGNATURE:

The undersigned is:

( ) Applicant      ( ) Assignee of the entire interest      (X) Attorney of Record

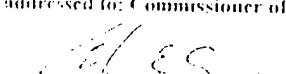
Respectfully Submitted,

  
Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

Date: 8/23/2005

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/23/2005, 2005.

  
Mark Ogram (Reg. No. 30343)

Date: 8/23/2005

- 1 1. A financial processing system operating comprising:
  - 2 a) automatic means for receiving a customer account data originating directly from a remote customer
  - 3 computer, and amount data from a remote merchant computer via a computer network, where the customer computer
  - 4 and merchant computer are separate and distinct computers;
  - 5 b ) automatic means for establishing an authorization indicia from a bank computer; and,
  - 6 c ) based on said authorization indicia, means for connecting said customer computer to said merchant
  - 7 computer.
- 1 2. The financial processing system according to claim 1, further including automatic means for
- 2 communicating a unique password to said customer computer.
- 1 3. The financial processing system according to claim 2, further including automatic means for
- 2 communicating via said computer network, said password and a said representation of said transaction indicia to said
- 3 remote customer computer.
- 1 4. The financial processing system according to claim 2, wherein said automatic means for receiving a
- 2 customer account data includes means for establishing a data link with said remote customer computer.
- 1 5. The financial processing system according to claim 2, wherein said automatic means for receiving a
- 2 customer account data includes means for establishing a data link with said remote merchant computer.

6. (Withdrawn)

1           7. A financial transaction system operating without human intervention comprising:

2           a) a merchant computer containing promotional data, said merchant computer having automatic means for

3           communicating said promotional data via a computer network to a remote computer; and,

4           b) a financial processing computer, remote from said merchant computer, said financial processing

5           computer having automatic means for:

6            1) receiving customer account data and amount data via said computer network,

7            2) obtaining an authorization indicia, and,

8            3) based on said authorization indicia, connecting said remote computer to said merchant

9           computer.

1           8. The financial transaction system according to claim 7, wherein said merchant computer further

2           includes automatic means for generating a shipping order in response to said representation of said authorization

3           indicia.

1           9. The financial transaction system according to claim 7,

2           a) wherein said financial processing computer further includes automatic means for communicating a

3           password to said customer computer; and,

4           b) wherein said merchant computer further includes:

5            1) memory means containing secured data, and,

6            2) automatic means for transmitting the secured data to said customer computer in response to the

7           password.

1           10. The financial transaction system according to claim 7, wherein said password and said transaction

indicia are communicated to said customer computer via said merchant computer.



**Office Action Summary**

Application No.	09/400,724	
Examiner	GRAM, MARK E.	
Edward R. Cosimano	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 September 1999.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) none is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .

18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

19) Notice of Informal Patent Application (PTO-152)

20) Other: \_\_\_\_\_

1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.
2. The disclosure is objected to because of the following informalities:

A) applicant must update:

- (1) the continuing data on page 1;

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) the following errors have been noted in the specification:

- (1) applicant's use of web address in:

(a) the paragraph at page 6, lines 9-12; and

(b) the paragraph at page 6, lines 13-16;

is improper, since:

(a) in electronic versions of the patent grant this address would create an improper hyper link to the specified address; and

(b) the content of the specified web address may change over time and, hence, would add new matter and/or alter the content/teachings of the instant disclosure over time.

Hence, applicant should delete the http:// from page 6, lines 12 & 16.

Appropriate correction is required.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)) & § 1.121(a)(1)-1.121(a)(6).

4. Claims 1-10 are rejected under the judicially created doctrine of double patenting over claims 1-7 of U. S. Patent No. 5,963,917 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

4.1 The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

A) in regard to claims 1-10 of the instant application and claims 1-7 of U. S.

Patent No. 5,963,917 which commonly claim:

- (1) a computer network;
- (2) a phone network;
- (3) a merchant computer, which perform the same functions in either the patent or application;
- (4) a customer computer, which perform the same functions in either the patent or application;
- (5) a bank computer; and
- (6) a financial computer, which perform the same functions in either the patent or application.

4.2 Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

4.3. Claims 1-10 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-15 of copending Application No. 09/657,277. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

4.4 The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

A) in regard to claims 1-10 of the instant application and claims 1-15 of copending application 09/657,277 which commonly claim:

- (1) a computer network;
- (2) a phone network;

- (3) a merchant computer, which perform the same functions in either application;
- (4) a customer computer, which perform the same functions in either application;
- (5) a bank computer; and
- (6) a financial computer, which perform the same functions in either application.

4.5 Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

4.6 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4.7 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

4.8 Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Payne et al (5,715,314 or 5,909,492) or Sirbu et al (5,809,144) in view of an obvious equivalent variation.

5.1.1 In regard to claim 6, either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) disclose a remote purchasing system in which a customer electronically access a remote merchant, receives promotional data from the merchant and orders merchandise from the merchant over a network. Payment for the ordered merchandise is made electronically over the network using a remote payment/settlement system. The remote settlement system provides an indication of the complete payment transaction to the merchant before the ordered merchandise is sent to the customer.

5.1.2 Neither Stuck nor Payne et al ('314 nor '492) nor Sirbu et al ('144) disclose the use of a telephone network to communicate the customer account and price information to a remote bank computer. However, since either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) disclose the use of a communications network to transmit information between the various computers that make up the e-commerce systems of either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) and a telephone network is a communications network, it would have been obvious to one of ordinary skill at the time the invention was made that any suitable communications network, for example a telephone network could be used in the e-commerce

systems of either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) to transmit information between the various computer systems that cooperate to form the e-commerce systems of either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144).

6. The following is an Examiner's Statement of Reasons for Allowance of the instant claims over the prior art of record:

A) the prior art, for example, either Stuck or Payne et al (5,715,314 or 5,909,492) or Sirbu et al (5,809,144) or Fujioka (JP 11-053444) or the BusinessWorld article or Rowney et al (5,987,140) disclose a remote purchasing system in which a customer electronically access a remote merchant, receives promotional data from the merchant and orders merchandise from the merchant over a network. Payment for the ordered merchandise is made electronically over the network using a remote payment/settlement system. The remote settlement system provides an indication of the complete payment transaction to the merchant before the ordered merchandise is sent to the customer.

B) however in regard to claim 1, the prior art does not teach or suggest a E-commerce system in which:

(1) a merchant computer that transmits promotional data to a remote customer computer over a computer network and in response to an order from the second computer transmits cost/price information over the computer network to a payment/settlement computer.

(2) a customer computer that receives the promotional data sent from the merchant computer over a computer network and in response to an order from the customer transmits customer account information over the computer network to the payment/settlement computer.

(3) a bank computer that receives cost/price information and customer account information sent from the payment/settlement computer over a telephone network and returns an indication of the authorization of the requested payment to the payment/settlement computer over the telephone network.

(4) a payment/settlement computer that receives the cost/price information sent from the merchant computer over the computer network and receives the customer account information sent from the customer computer over the computer network and transmits the received cost/price information and customer account information to the bank computer over a telephone network. Further the payment/settlement computer receives an indication of the authorization of the requested payment from the bank computer over the telephone network and relays the indication of the authorization of payment to the merchant computer over the computer network.

Claims 2-5 are allowable for the same reason.

B) however in regard to claim 7, the prior art does not teach or suggest a E-commerce system in which:

(1) a merchant computer that transmits promotional data to a remote computer over a computer network and in response to an order from the remote computer transmits cost/price information over the computer network to a payment/settlement computer.

(2) a payment/settlement, computer that receives the cost/price information customer account information over the computer network and transmits the received cost/price information and customer account information over a telephone network to an authorization computer. Further the second computer receives an indication of the authorization of the requested payment from the authorization computer over the telephone network and relays the indication of the authorization of payment to the merchant computer over the computer network.

Claims 8-10 are allowable for the same reason.

7. The commonly cited prior art in the parent applications Serial No. 08/597,017 filed February 05,1996 and Serial No. 09/166,749 filed October 05,1998 has been considered by the examiner.

8. In regard to the Information Disclosure statement filed December 17, 1999, the references which have not been considered by the examiner, have not been considered because applicant failed to provide either:

A) a concise statement of the relevancy of each cited document as 37 CFR § 1.98(a)(3);

or

B) a properly completed PTO-1449 listing each cited document as 37 CFR § 1.98(a)(1).

9. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)-305-9768. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10.1 The fax phone number for UNOFFICIAL FAXES or for OFFICIAL FAXES for this group is either (703) 308-6165 or (703) 308-6296 or (703) 308-6306 or (703) 308-6606 or (703) 308-9051 or (703) 308-9052.

07/19/01



Edward R. Cosimano

Primary Examiner A.U. 2161

<b>Notice of References Cited</b>		Application/Control No. 09/400,724	Applicant(s)/Patent Under Reexamination OGRAM, MARK E.	
		Examiner 7/19/01 Edward R. Cosimano	Art Unit 2161	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-5,715,314-A	02-1998	Payne et al	705	78
*	B	US-5,809,144-A	09-1998	Sirbu et al	705	53
*	C	US-5,822,737-A	10-1998	Ogram	705	26
	D	US-5,909,492-A	06-1999	Payne et al	705	78
*	E	US-5,963,917-A	10-1999	Ogram	705	26
	F	US-5,987,140-A	11-1999	Rowney et al	705	79
	G	US- -				
	H	US- -				
	I	US- -				
	J	US- -				
	K	US- -				
	L	US- -				
	M	US- -				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	N	JP-11-53444-A	02-1999	Japan	Fujika	--	--
	O	- -					
	P	- -					
	Q	- -					
	R	- -					
	S	- -					
	T	- -					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Stuck: "INternet transactions still yield small change"; Business Communications Review, July 1996, vol. 26, no. 7, page 51.
	V	"Citibank unveils new e-commerce facility to clients"; BUSINESSWORLD (PHILIPPINES) 11 May 1999, page 13.
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

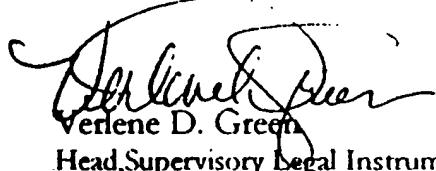


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Dear Patent and Trademark Office Customer:

The Technical Support Staff of Technology Center 2100 has undertaken continuous quality improvement efforts to ensure that the accompanying correspondence meets high quality standards, and focuses on good customer service. It is important to us that you are satisfied with the services we provide.

If the contents of the attached correspondence has any clerical omissions, e.g., missing references or pages, illegible text, other problems or concerns of this nature which you wish to bring to my attention, please call or fax me as soon as possible. I will take the appropriate action to expedite the necessary corrections.



Verlene D. Green  
Head, Supervisory Legal Instruments Examiner  
Technology Center 2100  
(703) 305-4376

Fax No. (703) 308-9051 or (703) 308-9052

## Attention: Policy on Returning Phone Calls

A PTO-wide customer service standard is if a PTO employee being called is not available, they will return your call by the next business day, or, if you request, an alternate point of contact will be provided. Technology Center 2100 is committed to meeting this service standard. If you have called any employee in our Technology Center and have not received a return phone call within one (1) business day or have not been provided another point of contact, please contact the Technology Center at 703-306-5631. We ensure that you will receive a return phone call, from an employee with the ability to assist you, within four (4) business hours of this contact. We appreciate your help in assisting us to help you.

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram

Serial #: 09/400,724 Docket #: 1475B.5A  
Filed: 09/21/99 Examiner: Cosimano, E.  
For: A FINANCIAL SYSTEM OF COMPUTERS Group: 2161

AMENDMENT A  
37 C.F.R. 1.115

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 07/25/01, please make the following amendments and note the corresponding remarks.

Enclosures:

- (1) TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C)) for US Patent No. 5,963,917;
- (2) TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C)) for US Patent Application No. 09/657,277;
- (3) Check number 3752 for the amount of \$ 110.00;
- (4) Replacement pages 1-18, replacing originally filed pages 1-25; and,
- (5) Red-lined pages 1, 7, 19, and 22 showing the edits made to the originally filed application.

REMARKS

Claims 1-10 were pending before the examiner. By this amendment, claim 6 has been deleted, leaving claims 1-5 and 7-10 still pending.

The specification and claims have been reviewed for typographical and grammatical errors and all such errors found have been corrected as noted in the re-lined edits submitted herewith. For ease of reference, a replacement application, incorporating the red-lined edits has been included to replace the entire original application.

The examiner has objected to the specification stating that the continuing data on page 1 must be updated; further the examiner states that the term "http://" is to be deleted from page 6.

By this amendment, this information has been added and the reference "http://" has been deleted.

The examiner has requested assistance in checking the specification and drawings for errors. This has been done and all errors found have been corrected by the red-lined edits.

The examiner has rejected claims 1-10 under the judicially created doctrine of double patenting citing United States Patent number 5,963,917.

Enclosed herewith is a Terminal Disclaimer relating to United States Patent number 5,963,917. The Terminal Disclaimer renders the judicially created doctrine of double patenting moot.

The examiner also makes a provisional rejection of claims 1-10 under the Judicially created doctrine of double patenting relating to application serial number 09/657,277.

Although this is a provisional rejection, to eliminate any future problems, enclosed herewith is a Terminal disclaimer relating to this application (09/657,277), thereby rendering the Judicially created doctrine of double patenting moot.

The examiner has rejected claim 6 under 35 U.S.C. 103(a) citing Payne et al or Sirbu.

While applicant does not agree with the examiner's position, by this amendment, claim 6 has been deleted.

The examiner's stated reasons for allowance are appreciated.

It is respectfully submitted that claims 1-5 and 7-10 are allowable and should be advanced to issuance.

Respectfully Submitted,



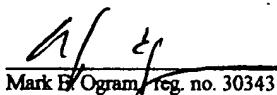
Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

Date: 8/6/01

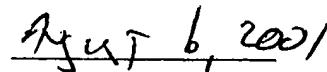
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CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on Aug 6, 2001, 2001.

  
Mark E. Ogram, Reg. no. 30343

Date

  
Aug 6, 2001

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram

Serial #: 09/400,724

Docket #: 1475B.5A

Filed: 09/21/99

Examiner: Cosimano, E.

For: A FINANCIAL SYSTEM OF COMPUTERS

Group: 2161

## TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

I, Mark E. Ogram, represent that I am:

- an inventor of the above identified invention;
- an assignee of the above identified invention;
- a representative authorized to sign on behalf of the assignee of the above identified invention;
- the attorney of record for the above identified invention.

### Identity of Assignee and Title of Disclaimant:

The assignee is:

Name: Net MoneyIN Inc.  
Address: 8040 S. Kolb Rd.  
Tucson, Arizona 85706

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 010297 / 0697

### Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- the whole of this invention;
- A sectional interest in this invention, as follows:

**Disclaimer (37 CFR 1.321(a) and (b)):**

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

(x) United States Patent number 5,963,917, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

(x) United States Patent number 5,963,917, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

(x) United States Patent number 5,963,917, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Fees:**

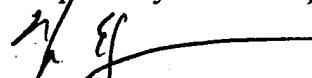
The fees for this Disclaimer is computed as follows:

<input type="checkbox"/>	Other than a small entity:	\$ 110.00
<input checked="" type="checkbox"/>	Small Entity	\$ 55.00
<input type="checkbox"/>	A verified small entity statement is attached	
<input checked="" type="checkbox"/>	A verified small entity statement was filed on <u>09/21/99</u>	

Attached is check number 3752 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

Respectfully Submitted,



Mark E. Ogram  
Attorney at Law (Reg. No. 30343)

Date: 08/06/01

---

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on August 6, 2001.

  
Mark E. Ogram, reg. no. 30343

August 1, 2001  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re the Application of: Ogram

Serial #: 09/400,724

Docket #: 1475B.5A

Filed: 09/21/99

Examiner: Cosimano, E.

For: A FINANCIAL SYSTEM OF COMPUTERS

Group: 2161

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))**

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

I, Mark E. Ogram, represent that I am:

( an inventor of the above identified invention;  
( an assignee of the above identified invention;  
( a representative authorized to sign on behalf of the assignee of the above identified invention;  
( the attorney of record for the above identified invention.

**Identity of Assignee and Title of Disclaimant:**

The assignee is:

Name: Net MoneyIN Inc.  
Address: 8040 S. Kolb Rd.  
Tucson, Arizona 85706

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 010297 / 0697

**Extent of Disclaimant's Interest:**

The extent of the interest in this invention that the disclaimant owns is in:

( the whole of this invention;  
( A sectional interest in this invention, as follows:

**Disclaimer (37 CFR 1.321(a) and (b)):**

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

( ) United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
(X) Any patent granted on application number 09/657,277,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

( ) United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
(X) Any patent granted on application number 09/657,277,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

( ) United States Patent number 5,963,917, as presently shortened by any terminal disclaimer;  
(X) Any patent granted on application number 09/657,277,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Fees:**

The fees for this Disclaimer is computed as follows:

( ) Other than a small entity: \$ 110.00  
(x) Small Entity \$ 55.00  
( ) A verified small entity statement is attached  
(x) A verified small entity statement was filed  
on 09/21/99

Attached is check number 3752 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

Respectfully Submitted,



Mark E. Ogram

Attorney at Law (Reg. No. 30343)

Date: August 6, 2001

---

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on August 6, 2001.

  
Mark E. Ogram, reg. no. 30343

Date

08/06/01

Attachment 5



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/440,724	09/21/2001	John A. F.	

09/440,724 09/21/2001 John A. F.

EXAMINER

MARK E. OGRAM  
8040 S. KOLE RD.  
TUCSON AZ 85745

ART UNIT  PAPER NUMBER

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/400,724	OGRAM, MARK E.
	Examiner	Art Unit
	Edward R. Cosimano	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 August 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) none is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)      18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)      19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_      20) Other: \_\_\_\_\_

Art Unit: 2161

1. Applicant should note the changes to patent practice and procedure:
  - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
  - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.
2. The disclosure is objected to because of the following informalities:
  - A) applicant must update:
    - (1) the continuing data on page 1; with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.
  - B) the following errors have been noted in the specification:
    - (1) applicant's use of web address in:
      - (a) the paragraph at page 6, lines 9-12; and
      - (b) the paragraph at page 6, lines 13-16;is improper, since:
      - (a) in electronic versions of the patent grant this address would create an improper hyper link to the specified address; and
      - (b) the content of the specified web address may change over time and, hence, would add new matter and/or alter the content/teachings of the instant disclosure over time.Hence, applicant should delete the http:// from page 6, lines 12 & 16.
  - Appropriate correction is required.
  3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(g)-1.121(h).
  4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4.1 Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Payne et al (5,715,314 or 5,909,492) or Sirbu et al (5,809,144) in view of an obvious equivalent variation.

4.1.1 In regard to claim 6, either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) disclose a remote purchasing system in which a customer electronically access a remote merchant, receives promotional data from the merchant and orders merchandise from the merchant over a network. Payment for the ordered merchandise is made electronically over the network using a remote payment/settlement system. The remote settlement system provides an indication of the complete payment transaction to the merchant before the ordered merchandise is sent to the customer.

4.1.2 Neither Stuck nor Payne et al ('314 nor '492) nor Sirbu et al ('144) disclose the use of a telephone network to communicate the customer account and price information to a remote bank computer. However, since either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) disclose the use of a communications network to transmit information between the various computers that make up the e-commerce systems of either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) and a telephone network is a communications network, it would have been obvious to one of ordinary skill at the time the invention was made that any suitable communications network, for example a telephone network could be used in the e-commerce

systems of either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144) to transmit information between the various computer systems that cooperate to form the e-commerce systems of either Stuck or Payne et al ('314 or '492) or Sirbu et al ('144).

5. The communication filed on August 08, 2001 is non-responsive to the prior Office action because:

- A) applicant's response implies that 18 replacement pages have been filed, however, these pages can not be found in the instant application;
- B) applicant's response implies that relined pages 1, 7, 19 & 22 have been filed, however, these pages can not be found in the instant application; and
- C) applicant's response implies that claim 6 has been cancelled and replacement pages 1-18 have replaced page 1-25, however, the amendments to effect these changes can not be found in the instant application.

5.1 Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter. EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR 37 C.F.R. § 1.136(b) UP TO A MAXIMUM OF SIX MONTHS.

6. The following is an Examiner's Statement of Reasons for Allowance of the instant claims over the prior art of record:

- A) the prior art, for example, either Stuck or Payne et al (5,715,314 or 5,909,492) or Sirbu et al (5,809,144) or Fujioka (JP 11-053444) or the BusinessWorld article or Rowney et al (5,987,140) disclose a remote purchasing system in which a customer electronically access a remote merchant, receives promotional data from the merchant and orders merchandise from the merchant over a network. Payment for the ordered merchandise is made electronically over the network using a remote payment/settlement system. The remote settlement system provides an indication of the complete payment transaction to the merchant before the ordered merchandise is sent to the customer.

B) however in regard to claim 1, the prior art does not teach or suggest a E-commerce system in which:

(1) a merchant computer that transmits promotional data to a remote customer computer over a computer network and in response to an order from the second computer transmits cost/price information over the computer network to a payment/settlement computer.

(2) a customer computer that receives the promotional data sent from the merchant computer over a computer network and in response to an order from the customer transmits customer account information over the computer network to the payment/settlement computer.

(3) a bank computer that receives cost/price information and customer account information sent from the payment/settlement computer over a telephone network and returns an indication of the authorization of the requested payment to the payment/settlement computer over the telephone network.

(4) a payment/settlement computer that receives the cost/price information sent from the merchant computer over the computer network and receives the customer account information sent from the customer computer over the computer network and transmits the received cost/price information and customer account information to the bank computer over a telephone network. Further the payment/settlement computer receives an indication of the authorization of the requested payment from the bank computer over the telephone network and relays the indication of the authorization of payment to the merchant computer over the computer network.

Claims 2-5 are allowable for the same reason.

B) however in regard to claim 7, the prior art does not teach or suggest a E-commerce system in which:

(1) a merchant computer that transmits promotional data to a remote computer over a computer network and in response to an order from the remote

computer transmits cost/price information over the computer network to a payment/settlement computer.

(2) a payment/settlement, computer that receives the cost/price information customer account information over the computer network and transmits the received cost/price information and customer account information over a telephone network to an authorization computer. Further the second computer receives an indication of the authorization of the requested payment from the authorization computer over the telephone network and relays the indication of the authorization of payment to the merchant computer over the computer network.

Claims 8-10 are allowable for the same reason.

7. The commonly cited prior art in the parent applications Serial No. 08/597,017 filed February 05,1996 and Serial No. 09/166,749 filed October 05,1998 has been considered by the examiner.

8. In regard to the Information Disclosure statement filed December 17, 1999, the references which have not been considered by the examiner, have not been considered because applicant failed to provide either:

- A) a concise statement of the relevancy of each cited document as 37 CFR § 1.98(a)(3)(i); or
- B) a properly completed PTO-1449 listing each cited document as 37 CFR § 1.98(a)(1).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)-305-9768. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 746-7239.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 746-7238.

10/20/01

  
Edward R. Cosimano  
Primary Examiner A.U. 2161

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram

Serial #: 09/400,724 Docket #: 1475B.5A  
Filed: 09/21/99 Examiner: Cosimano, E.  
For: A FINANCIAL SYSTEM OF COMPUTERS Group: 2161

AMENDMENT B  
37 C.F.R. 1.115

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 10/31/01, please make the following amendments and note the corresponding remarks.

Enclosures:

- (1) Replacement pages 1-24, replacing originally filed pages 1-25; and,
- (2) Red-lined pages 1-22 showing the edits made to the originally filed application.

Summary of Edits:

The following edits are reflected on the enclosed Editing Copy of the Specification. Note, the page numbering and line numbering in the Editing Copy is different from the originally filed Specification and claims due to changes in font style, size, word processor, and the edits themselves.

The following edits reflect the original pages and line numbers of the specification as filed.

Page 1, line7, after the comma, insert:

-- now United States Patent number 5,963,917, issued on October 5, 1999, --

Page 7, line 15, delete "http://";  
line 19, delete "http://".

Page 19, line 10, change "skis" to -- skips --.

Claim 6, delete in its entirety.

### REMARKS

Claims 1-10 were pending before the examiner. By this amendment, claim 6 has been deleted, leaving claims 1-5 and 7-10 still pending.

The specification and claims have been reviewed for typographical and grammatical errors and all such errors found have been corrected as noted in the re-lined edits submitted herewith. For ease of reference, a replacement application, incorporating the red-lined edits has been included to replace the entire original application.

The examiner has objected to the specification stating that the continuing data on page 1 must be updated; further the examiner states that the term "http://" is to be deleted from page 6.

By this amendment, this information has been added and the reference "http://" has been deleted.

The examiner has requested assistance in checking the specification and drawings for errors. This has been done and all errors found have been corrected by the red-lined edits.

The examiner has rejected claim 6 under 35 U.S.C. 103(a) citing Payne et al or Sirbu.

While applicant does not agree with the examiner's position, by this amendment, claim 6 has been deleted.

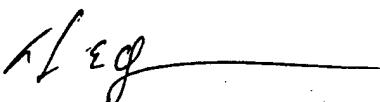
The examiner state that the August 8, 2001, Amendment filed was non-responsive noting that: the 18 replacement pages were not found; the red-lined pages were not found; and that the deletion of claim 6 was not reflected (since the prior two enclosures were not found).

By this amendment, the replacement pages and the red-line specification (as filed) are enclosed. Note, due to changes in font size and style, edits, and word processor used, the page numbers and line numbers of the red-lined edits and the replacement specification do not align with the originally filed application. Applicant hereby affirms that, besides the noted edits, no other changes to the specification have been made.

The examiner's stated reasons for allowance are appreciated.

It is respectfully submitted that claims 1-5 and 7-10 are allowable and should be advanced to issuance.

Respectfully Submitted,



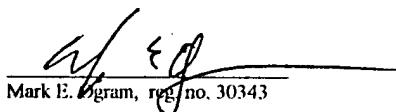
Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

Date: 1/19/01

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CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 1/19/01, 2001.

  
Mark E. Ogram, reg. no. 30343

1/19/01  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

Attachment 7

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,724	09/21/1999	MARK E. OGRAM	1475B.5A	3732

7590 03/06/2003

MARK E OGRAM  
7454 E BROADWAY STE 203  
TUCSON, AZ 85710

EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

1. Applicant should note the changes to patent practice and procedure:
  - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
  - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.
2. The examiner regrets the late citation of prior art.
3. In view of the new cited and applied prior art, the examiner's amendment discussed and approved in the interview of September 10, 2002, see below, is moot and hence has not been entered.
4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

#### EXAMINER'S AMENDMENT

5. In the claims:

Please replace claim 1 with the following:

- 1. (AMENDED) A financial processing system comprising:
  - a) automatic means for receiving a customer account data originating directly from a remote customer computer, and amount data from a remote merchant computer via a computer network, where the customer computer and merchant computer are separate and distinct computers;
  - b) automatic means for communicating said customer account data and said amount data to a remote bank computer via a telephone network;
  - c) automatic means for receiving an authorization indicia from said bank computer via the phone network; and,
  - d) automatic means for communicating via said computer network a representation of said authorization indicia to said merchant computer.--

Please replace claim 7 with the following:

--7. A financial transaction system comprising:

a) a merchant computer containing promotional data, said merchant computer having automatic means for communicating said promotional data via a computer network to a remote computer; and,

b) a financial processing computer, remote from said merchant computer, said financial processing computer having automatic means for:

1) receiving customer account data and amount data via said computer network, where the account data and amount data originate from separate and distinct locations,

2) obtaining an authorization indicia via a telephone network, and,

3) via said computer network, communicating a representation of said authorization indicia to a said merchant computer; and,

wherein said merchant computer includes automatic means for storing said representation of said authorization indicia within a memory of said merchant computer.--

5.1 Authorization for this Examiner's Amendment was given in a telephone interview with representative Ogram on September 10, 2002.

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6.1 Claims 1-5 & 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Communications Week article in view of common well accepted practice.

6.1.1 In regard to claims 1, 4, 5 & 7, the Communications week article discloses in January 1996 that it was known to in on-line commerce to use a credit intermediary. The credit intermediary uses customer account information, for example credit information, that has been received from an first remote computer that us an user via a network to obtain an authorization indicia, for example an approval number. After the authorization indicia has been received, the authorization indicia is passed on to the merchant via a network so as to indicate that payment has been made for an item being purchased.

6.1.2 The Communications week article does not disclose that the intermediary receives amount data from a second remote computer, that is merchant, however, since:

A) the approving entity, such as a bank or credit card company requires the amount data to be specified before issuing an authorization indicia;

B) a merchant requires the correct payment for merchandise being purchased;  
and

C) the customer may alter the amount information in the customer's advantage; it would have been obvious to one of ordinary skill at the time the invention was made that the credit intermediary of the Communications week article would receive the amount data from the second remote computer.

6.1.3 In regard to claims 2, 3, 9 & 10, it is noted that the Communications week article discloses the use of passwords to authenticate the identity of users on a network.

6.1.4 In regard to claim 8, it is noted that in the on-line commerce system described in the Communications week article, it would have been obvious to one of ordinary skill at the time the invention was made that the merchant, after receiving payment would generated a shipping order and then delivery the purchased item to the customer as is the well established procedure.

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

- 8.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.
- 8.2 The fax phone number for OFFICIAL FAXES is (703) 305-7687.
- 8.3 The fax phone number for AFTER FINAL FAXES is (703) 308-3691.

03/02/03

*Edward Cosimano*  
Edward R. Cosimano  
Primary Examiner A.U. 3629

<b>Interview Summary</b>	Application No.	Applicant(s)
	09/400,724	OGRAM, MARK E.
	Examiner	Art Unit
	Edward R. Cosimano	3629

All participants (applicant, applicant's representative, PTO personnel):

(1) Edward R. Cosimano. (3) \_\_\_\_\_  
 (2) Representataive Ogram. (4) \_\_\_\_\_

Date of Interview: 10 September 2002.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1-5 and 7-10.

Identification of prior art discussed: none.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner suggest an amendment to claims 1 & 7 to clarify the structural relationship between the origins of the account information and amount information with in the claimed invention.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

04175166 Supplier Number: 46099046 (THIS IS THE FULLTEXT)

\*Better\* to Be '\*Net\*-\*Safe\* Than \*Sorry\*

CommunicationsWeek, p23

Jan 29, 1996

ISSN: 0746-8121

Language: English

Record Type: Fulltext

Document Type: Newsletter; Trade

Word Count: 629

TEXT:

1 For a commercial user, on-line commerce is just about the single most attractive potential  
2 of the Internet. And security is its biggest concern.

3 To be precise, the obstacle is the perception of security difficulties. One Internet security  
4 expert said Net security should be compared with security for commerce as it's performed today,  
5 not against some mythical perfection.

6 "The people who are most frightened about Internet security, about typing their credit card  
7 number on-line, are the very same people who think nothing of walking into a gas station at 2 a.m.  
8 and handing their credit card over to a 16-year-old they've never met before. And then they wait  
9 in their car for 10 minutes," said the consultant, who requested anonymity.

10 Real concerns or not, users are being forced to implement major security precautions so  
11 potential customers will feel comfortable. "Users face a far greater risk today in non-Internet  
12 situations," said Deborah Triant, CEO and president of CheckPoint Software Technologies Ltd.,  
13 Lexington, Mass. "It's the same reason people are more afraid of a plane crash than a car crash.  
14 It's that sense of control. In that gas station, they can look that 16-year-old in the eye."

15 None of the bundled Internet servers available feature true security applications. Mostly,  
16 that's because those security applications have been too expensive to bundle into a low-cost server.  
17 But prices have been dropping sharply over the last year, making security bundles inevitable.

18 First Line of Defense

19 The first element of a security package is some sort of a firewall around the server to  
20 prevent outsiders from getting in. Beyond that, automated scanning tools that repeatedly try and  
21 break into a system are popular, mostly to detect security holes in the system so those holes can  
22 be eliminated. The much ballyhooed SATAN (Security Administrator Tool for Analyzing  
23 Networks) software released last year is one example.

24 For sites that allow restricted outside access-such as for employees, business partners or  
25 customers-some kind of authentication software is necessary. Given the abundance of applications  
26 ill-intentioned hackers can use to watch a user type in a password, a popular security mechanism  
27 is the onetime password, such as Security Dynamics Technologies Inc.'s SecureID.

28 The onetime password calls for users to have a small device that continually issues new,  
29 onetime passwords. The device is coordinated with a partner device on the server that issues  
30 identical codes. Access to the server is gained by using the code that's active at that instant. Even  
31 if a hacker saw that code, it likely would do little good, because the password would not be active  
32 again at any predictable point.

33 A technique exclusively for on-line commerce is a credit intermediary. Normally, an

34 on-line customer types in his or her credit card number or phones it into the merchant, often  
35 using a toll-free telephone number. But what if it's the merchant's employee or contractor  
36 that can't be trusted? "About half of all credit card fraud is initiated by the merchant," said  
37 CheckPoint's Triant. He said intermediaries take the credit card information, secure the  
38 authorization from the credit card issuer and pass that verification along to the merchant.  
39 That way, the merchant never has the credit card number itself.

40 A site charging for its services has an obvious need for security, but what about a service  
41 that is giving away its information free and gets paid through selling advertisements? Security  
42 concerns exist there as well, because of the risk of intruders intending to destroy.

43 Then there's always the possibility of someone using an Internet site for illegal purposes,  
44 such as for posting information to facilitate drug purchases.

45 Beyond security for security's sake, there also are legal liability issues, where businesses  
46 must establish that they are taking all appropriate actions to safeguard confidential internal data  
47 regarding clients or employees.

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<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination
		09/400,724	OGRAM, MARK E. <i>AC</i>
Examiner	<i>3/2/03</i>	Art Unit	Page 1 of 1
Edward R. Cosimano	3629		

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)	
U	Communications Week: "Better to Be 'Net-Safe Than Sorry"; 29 January 1996, page 23.	
V		
W		
X		

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Attachment for PTO-948 (Rev. 03/01, or earlier)**

**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

## Revised Notice\*

### AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT

The United States Patent and Trademark Office (USPTO) is permitting applicants to submit amendments in a revised format as set forth below. Further details of this practice are described in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, signed January 31, 2003, expected to be published in *Official Gazette* on February 25, 2003 (Notice posted on the Office's web site at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>). The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

Effective immediately, all applicants may submit amendments in reply to Office actions using the following format. Participants in the Office's electronic file wrapper prototype<sup>1</sup> receiving earlier notices of the revised practice may also employ the procedures set out below.

#### REVISED FORMAT OF AMENDMENTS

##### Begin on separate sheets:

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Drawing Amendments, and Remarks) should begin on a separate sheet. *For example*, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections must begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

##### Two versions of amended part(s) no longer required:

The current requirement in 37 CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section or claim will be waived where an amendment is submitted in revised format below. The requirements for substitute specifications under 37 CFR 1.125 will be retained.

##### A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, or submission of a new claim, **must include a complete listing of all claims in the application**. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated – formerly claim #\_), (previously reinstated), (re-presented – formerly dependent claim #\_), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.
- (2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended" will include markings.
- (3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.

<sup>1</sup> The Office's Electronic File Wrapper prototype program is described in *USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING*, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"), and applies only to Art Units 1634, 2827 and 2834.



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

FEB 20 2003

Commissioner for Patents  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

Dear Patent Business Customer:

The United States Patent and Trademark Office ("Office") is now permitting and encouraging applicants to voluntarily submit amendments in a revised format as set forth in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED, \_\_\_\_\_ Off. Gaz. Pat. Office \_\_\_\_\_* (February 25, 2003), currently available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/revamdtprac.htm>. The revised format permits amendments to the specification and claims to be made in a single marked-up version; the requirement for a clean version is eliminated. Attached, you will find a flyer with information and instructions regarding the procedures to be used to comply with the revised format. The flyers are being inserted with out-going Office actions mailed during the period of February 20, 2003 - March 31, 2003.

The revised amendment format is essentially the same as the amendment format for the specification, claims, and drawings that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. This proposed revision and others necessary to facilitate a gradual transition to the use of an Electronic File Wrapper (EFW) will be set forth in a Notice of Proposed Rule making (NPR), expected to be published by March 2003. After consideration of public comments, the Office anticipates adopting a revision to § 1.121, following publication of a Notice of Final Rule making (NFR), expected by June 2003, at which point compliance with revised § 1.121 will be mandatory.

The Office will continue to accept your amendment submissions in the revised format during the voluntary period, which will extend up to the effective date of final revisions to § 1.121. The Office also encourages your feedback on the proposed revised amendment format and other changes set forth in the NPR, expected to be published by March 2003.

For assistance: Any questions regarding the submission of amendments pursuant to the revised practice should be directed to Office of Patent Legal Administration (OPLA), Legal Advisors Elizabeth Dougherty ([Elizabeth.Dougherty@uspto.gov](mailto:Elizabeth.Dougherty@uspto.gov)), Gena Jones ([Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov)) or Joe Narcavage ([Joseph.Narcavage@uspto.gov](mailto:Joseph.Narcavage@uspto.gov)). Alternately, you may send e-mail to "Patent Practice", the OPLA e-mail address that has been established for receiving queries and questions about patent practice and procedures or telephone OPLA at (703) 305-1616.

A handwritten signature in black ink that reads "Nicholas P. Godici".

Nicholas P. Godici  
Commissioner for Patents

Attachment: Flyer entitled: *Revised Notice\* AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re the Application of: Ogram Docket No.: 1475B.5A

Serial #: 09/400,724 Examiner: Cosimano, Edward R.  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

**AMENDMENT B**

37 C.F.R. 1.115

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 03/06/03,  
please make the following amendments and note the corresponding remarks.

In the Claims: Please amend the claims as indicated:

1. (Currently amended) A financial processing system operating without human intervention comprising:
  2. a) automatic means for receiving a customer account data originating directly from a remote customer computer, and amount data from a remote merchant computer via a computer network, where the customer computer and merchant computer are separate and distinct computer;
  1. b) automatic means for communicating said customer account data and said amount data to a remote bank computer via a telephone network;
  2. c) automatic means for receiving an authorization indicia from said bank computer via the phone network;
  3. and,
  4. d) automatic means for communicating via said computer network a representation of said authorization indicia to said merchant computer.
1. 2. (Currently amended) The financial processing system according to claim 1,
  2. a) further including automatic means for communicating a unique password to said customer computer.
1. 3. (Original) The financial processing system according to claim 2, further including automatic means for communicating via said computer network, said password and said representation of said transaction indicia to said remote customer computer.
1. 4. (Original) The financial processing system according to claim 2, wherein said automatic means for receiving a customer account data includes means for establishing a data link with said remote customer computer.

5. (Original) The financial processing system according to claim 2, wherein said automatic means for receiving a customer account data includes means for establishing a data link with said remote merchant computer.

6. (Deleted)

1           7. (Currently Amended) A financial transaction system operating without human intervention comprising:

2           a) a merchant computer containing promotional data, said merchant computer having automatic means for  
3           communicating said promotional data via a computer network to a remote computer; and,  
4           b) a financial processing computer, remote from said merchant computer, said financial processing computer  
5           having automatic means for:

6           1) receiving customer account data and amount data via said computer network, where the  
7           account data and amount data originate from separate and distinct locations,  
8           2) obtaining an authorization indicia via a telephone network, and,  
9           3) via said computer network, communicating a representation of said authorization indicia  
10           to a said merchant computer; and,

wherein said merchant computer includes automatic means for storing said representation of said authorization indicia within a memory of said merchant computer.

8. (Original) The financial transaction system according to claim 7, wherein said merchant computer further includes automatic means for generating a shipping order in response to said representation of said authorization indicia.

- 1        9. (Original) The financial transaction system according to claim 7,
  - 2            a) wherein said financial processing computer further includes automatic means for communicating a
  - 3            password to said customer computer; and,
  - 4            b) wherein said merchant computer further includes:
    - 5              1) memory means containing secured data, and,
    - 2) automatic means for transmitting the secured data to said customer computer in response to the password.

10. (Original) The financial transaction system according to claim 7, wherein said password and said transaction indicia are communicated to said customer computer via said merchant computer.

REMARKS

Claims 1-5 and 7-10 were pending before the examiner. The examiner has rejected all of the claims.

In regards to a continuation application from this application ( serial number 09/654,339, filed on September 8, 2000, and entitled, "Method of Processing Payment on a Network of Computers ...") numerous phone consultations were held with examiner Cosimano from April 8 to April 10, concerning the same reference cited in the above identified Office Action. Since the reference is identical, the applications have the same examiner, and the applications are related, the following summarizes the content of these examiner interviews.

The discussion related to the Communications Week article and what it was able to enable. Applicant raised the issue on the two copyright dates indicating that it was impossible to confirm when any portion of the article was written. The examiner dismissed this concern. No resolution on the copyright date was accepted by either party.

The discussion also related to the standards of the industry on the date of the article. Applicant stated that the only true way that information was passed over the Internet at the time of the article was via e-mail. The examiner accepted this fact. Applicant then argued that those of "ordinary skill in the art" at the time of article (the earliest date available) would not contemplate or be able to withdraw information within an e-mail for use elsewhere. Applicant argued that even today, extrapolating a sixteen digit number (a credit card number) from an e-mail is extremely difficult due to the many ways (blanks, dashes, or a continuous number) together with the placement of the number within the e-mail; and that the way information was handled at the time was through an intermediate human who extracted the information from an e-mail.

The examiner did not commit either way on this proposition. Subsequently a FAX was sent to the examiner containing language which clearly establishes that this operation is done in an "automatic" fashion without any human intervention. The examiner and applicant have not had a chance to discuss this FAX.

No final resolution to the interviews was obtained.

The acceptance of the drawings filed earlier is noted.

Applicant has reviewed the specification and drawings for any additional errors. None were found.

The examiner's amendment to claim 1 and claim 7 are noted and accepted.

The examiner has rejected claims 1-5 and 7-10 under 35 U.S.C. 103(a) citing the Communications Week article. The examiner states,

"The Communications week article does not disclose that the intermediary receives amount data from a second remote computer, that is merchant, however, since:

- A) the approving entity, such as a bank or credit card company requires the amount data to be specified before issuing an authorization indicia;
- B) a merchant requires the correct payment of merchandise being purchased; and
- C) the customer may alter the amount information in the customer's advantage."

The examiner's observations are correct. What the examiner has failed to appreciate is the fact that the Communications Week article describes a system which does not do away with the human for the processing operation.

As noted earlier, this reference has been discussed by phone interview with the examiner. In that interview, the examiner agreed that the technique of the time was to use phone and e-mail as the methodology of communications.

The very reference that the examiner is using supports this type of communication when it discusses the current state of the art:

"... an on-line customer types in his or her credit card number or phones it into the merchant, often using a toll-free telephone number." (Page 2, lines 1-2, underline added)

The article deals with the sole issue of "security" ("For a commercial user, ... And security is its biggest concern.", lines 1-2 of the article; "... About half of all credit card fraud is initiated by the merchant", page 2, line 3).

To satisfy the security concerns, the article plugs an intermediary into the process which:

"...intermediaries take the credit card information, secure the authorization from the credit card issuer and pass that verification along to the merchant. That way, the merchant never has the credit card number itself." (Page 2, lines 4-6)

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"The Communications week article does not disclose that the intermediary receives amount data from a second remote computer, that is merchant, however, since:

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- B) a merchant requires the correct payment of merchandise being purchased; and
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The very reference that the examiner is using supports this type of communication when it discusses the current state of the art:

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The article deals with the sole issue of "security" ("For a commercial user, ... And security is its biggest concern.", lines 1-2 of the article; "... About half of all credit card fraud is initiated by the merchant", page 2, line 3).

To satisfy the security concerns, the article plugs an intermediary into the process which:

"...intermediaries take the credit card information, secure the authorization from the credit card issuer and pass that verification along to the merchant. That way, the merchant never has the credit card number itself." (Page 2, lines 4-6)

The reference's own brevity makes the article easily mis-interpreted by the examiner now that the invention is fully known. The examiner though must look at the state of the art and ability at the time of the reference.

It is clear from the reference's description of how the "merchant" handles the transaction that there is a human operator who receives the information "from the phone" or via an e-mail. Accurately and automatically extrapolating a sixteen digit number with expiration date from an e-mail is a daunting task which is not even done today, much less at the dawn of the Internet. At the time, the human operator was the only accurate method of obtaining the credit card number and its expiration date.

As example, a human can easily recognize all of the following numbers as being the same, but a computer would have extreme difficulty:

1234 5678 9123 4567 exp 01/05	1234-5678-9123-4567 exp 01/05
1234 5678 9123 4567 exp 1/05	1234-5678-9123-4567 exp 1/05
1234 5678 9123 4567 exp 01/5	1234/5678/9123/4567 exp 01/5
1234 5678 9123 4567 exp 01-05	1234/5678/9123/4567 exp 01/05
1234 5678 9123 4567 exp 1-05	1234/5678/9123/4567 exp 1/05
1234 5678 9123 4567 exp 01-5	1234/5678/91234567 exp 01/5

The possibilities are endless. (Not even considering is there one space or two spaces or three spaces between the numbers).

This fact was made clear when an implementation of an embodiment of the invention was described to a banker in the field of credit card processing. At one point the implementation was described as being totally automatic without any people and the banker observed, "you mean except for the ladies taking the number on the phone."

Further, common sense indicates that if the "intermediary" was operating "without human intervention", as the examiner suggest, then the intermediary could easily take the information from the Net; but, the Intermediary seems (according to the examiner) to create parallel systems for the task (one by phone and the other automatic).

This does not make economic sense.

As stated earlier, it is the brevity of the article that permits any possibility to be "read into" the article after the situation is known, yet there is no supporting information to fill in the article's many holes with facts. Would this article be able to "teach or suggest" something that even when read now eludes "one of ordinary skill in the art"?

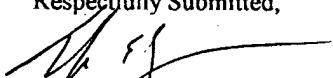
Clearly not.

Independent claims 1 and 7, by this amendment, have been amended to include language which clearly shows that the present invention works "without human intervention".

It is respectfully submitted that claims 1-5 and 7-10, as now amended, are not taught or suggested by the Communications Week article.

Based upon the above, it is respectfully submitted that claims 1-5 and 7-10, as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,

  
Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

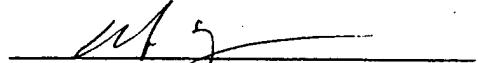
Date:

5/20/03

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**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 20, 2003.

  
Mark Ogram (reg. No. 30343)

Date

5/20/03



Attachment 9

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,724	09/21/1999	MARK E. OGRAM	1475B.5A	3732

7590 07/15/2003

MARK E OGRAM  
7454 E BROADWAY STE 203  
TUCSON, AZ 85710

[REDACTED] EXAMINER

COSIMANO, EDWARD R

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3629

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/400,724	OGRAM, MARK E.
	Examiner	Art Unit
	Edward R. Cosimano	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 May 2003 .

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5 and 7-10 is/are pending in the application.

4a) Of the above claim(s) none is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 7-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 September 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)-Notice of References Cited (PTO-892)                            4)-Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                    6) Other:

1. Applicant should note the changes to patent practice and procedure:
  - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
  - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.
2. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
  - (c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3.1 Claims 1-5 & 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Communications Week article in view of Hall et al (T104,003) and common well accepted practice.

3.1.1 In regard to claims 1, 4, 5 & 7, the Communications week article discloses in January 1996 that it was known to in on-line commerce to use a credit intermediary. The credit intermediary uses customer account information, for example credit information, that has been

received from an first remote computer that us an user via a network to obtain an authorization indicia, for example an approval number. After the authorization indicia has been received, the authorization indicia is passed on to the merchant via a network so as to indicate that payment has been made for an item being purchased.

6.1.2 The Communications week article does not disclose that the intermediary receives amount data from a second remote computer, that is merchant, however, since:

A) the approving entity, such as a bank or credit card company requires the amount data to be specified before issuing an authorization indicia;

B) a merchant requires the correct payment for merchandise being purchased;  
and

C) the customer may alter the amount information in the customer's advantage;  
it would have been obvious to one of ordinary skill at the time the invention was made that the credit intermediary of the Communications week article would receive the amount data from the second remote computer.

3.1.3 The Communications week article does not disclose the operations are performed automatically with out human intervention, however, as taught by Hall et al ('003) it was known in 1984 that information/data could be transmitted over a communication link between two computers using any suitable protocol. Where the protocol defines the make up of the information/data being transmitted as a known sequence/series of commands/instructions/data. Therefore, in 1996 one of ordinary skill would have known that information/data that is being transmitted between a client computer and a server is structured according known communications protocol, otherwise the receiving computer could not make any sense of the transmitted information/data. Based on the fact that the transmission of information/data is in fact structured, it would have been obvious to one of ordinary skill at the time the invention was made that the information/data in a transmission could be automatically retrieved from the transmitted data with out human intervention, since the transmitted data must appear in a specified sequence with in the transmitted information/data.

3.1.4 In regard to claims 2, 3, 9 & 10, it is noted that the Communications week article discloses the use of passwords to authenticate the identity of users on a network.

3.1.5 In regard to claim 8, it is noted that in the on-line commerce system described in the Communications week article, it would have been obvious to one of ordinary skill at the time the invention was made that the merchant, after receiving payment would generate a shipping order and then delivery the purchased item to the customer as is the well established procedure.

4. Response to applicant's arguments.

4.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been overcome by applicant's last response.

4.2 In regard to the appearance of two copyright dates, it is respectfully noted that the publication date is used and not the copyright date.

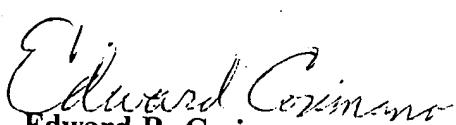
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

5.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

5.2 The fax phone number for OFFICIAL FAXES is (703) 305-7687.

5.3 The fax phone number for AFTER FINAL FAXES is (703) 308-3691.

07/09/03

  
Edward R. Cosimano  
Primary Examiner A.U. 3629

<b>Notice of References Cited</b>			Application/Control No.	Applicant(s)/Patent Under Reexamination	
			09/400,724	OGRAM, MARK E.	
Examiner	1/10/03		Art Unit	3629	Page 1 of 1
Edward R. Cosimano					

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-T104,003	03-1984	Hall et al	1/1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

# United States Defensive Publication

(19) (H) (11)

T104,003

Hall et al.

(43) Mar. 6, 1984

[54] SYNCHRONOUS DATA LINK SLOW-POLL  
PROTOCOL

[76] Inventors: Lee E. Hall, 8413 Maune Dr., Austin, Tex. 78758; Richard E. Eveland, 11214 Deadoak Ln., Austin, Tex. 78759

[21] Appl. No.: 440,263

[22] Filed: Nov. 9, 1982

[51] Int. Cl.: G06F 3/00

[52] U.S. Cl.: 364/200; 340/825.08; 370/96; 370/90; 375/106; 371/2

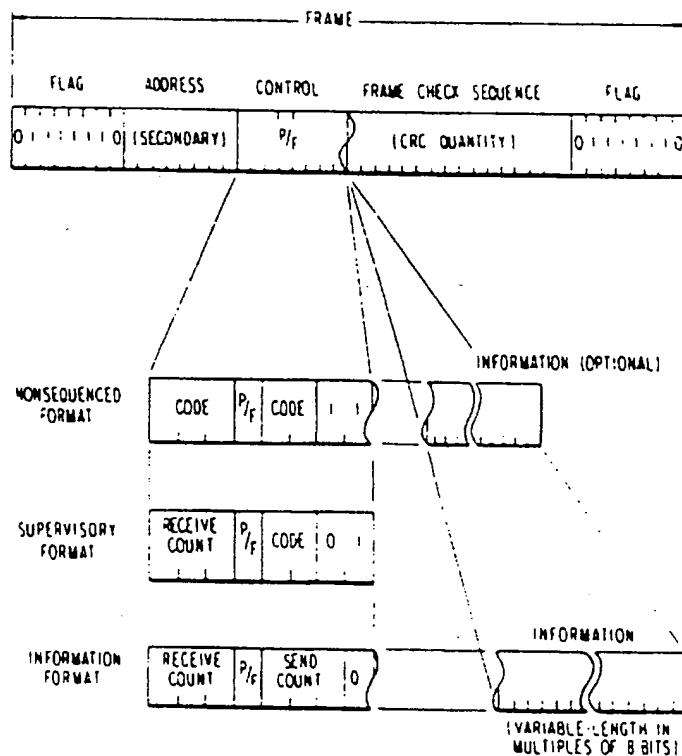
[57] ABSTRACT

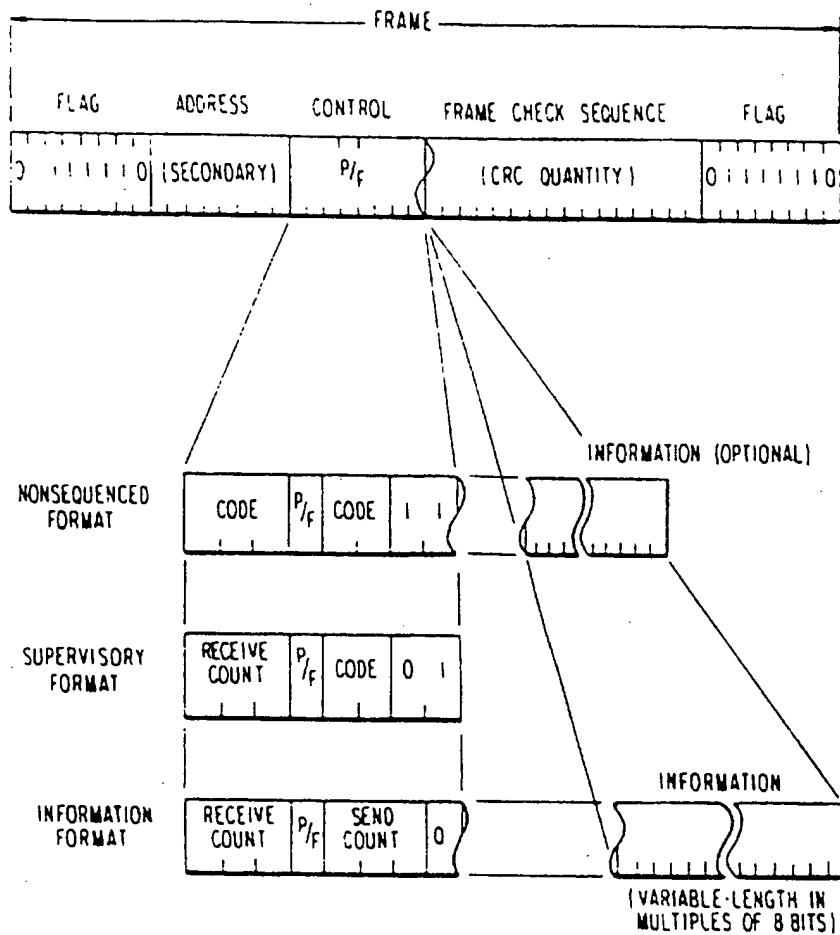
A first data processor (10) and at least a second data processor (11) are connected by a data link (12). The processors each have a communication adapter (14) which is connected to the data link and system clock (15) times functions within the processor. Under a synchronous data link control (SDLC) protocol which has information frames and supervisory frames, one of the processors is designated as the primary station and the other, the secondary station. Whenever supervisory frames are transmitted between the primary and secondary stations, means are operative for inserting a mandatory non-polling quiet period of a predetermined length prior to each poll so that the processor at the secondary station is freed for non-polling functions

10 Claims, 3 Sheets Drawing.

13 Pages Specification

The file of this unexamined application may be inspected and copies thereof may be purchased (849 O G (221), Apr. 9, 1988)





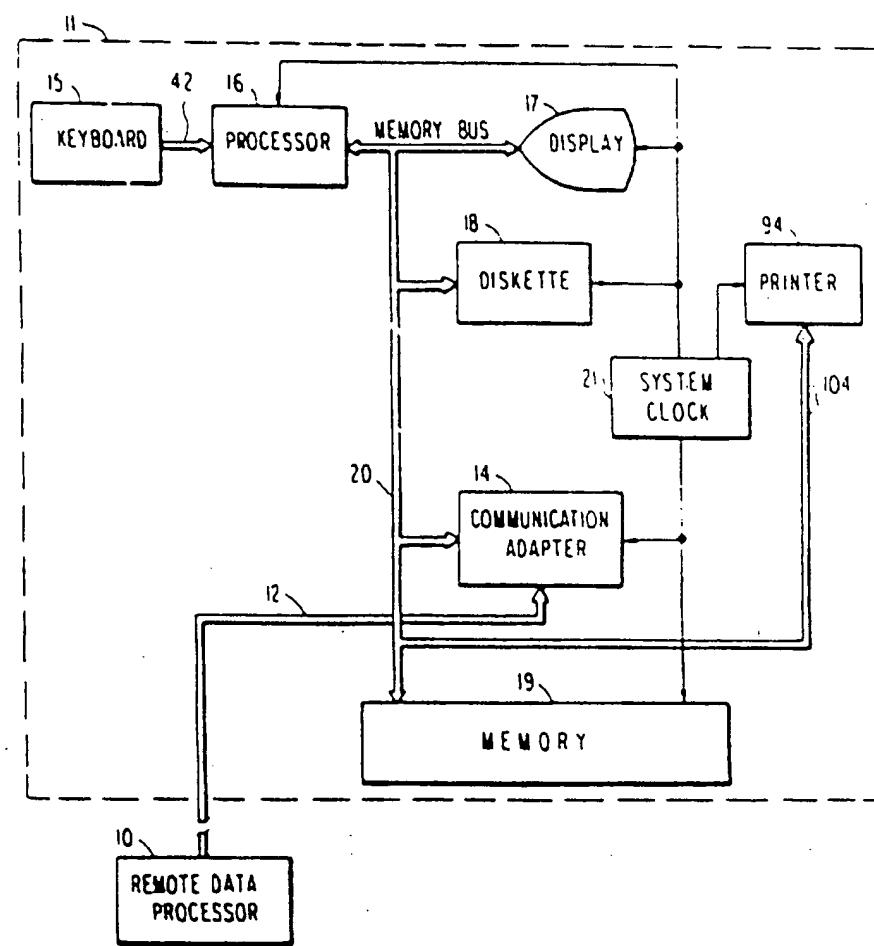


FIG. 2

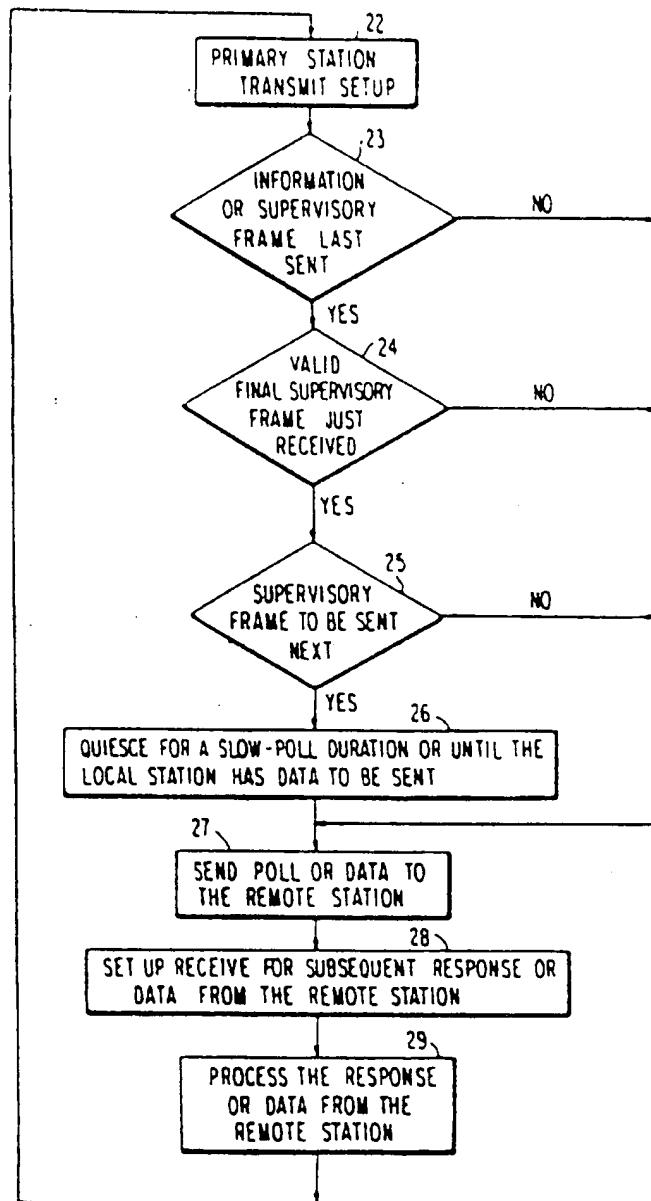


FIG 3

### Notice of References Cited

Application/Control No.  
09/400,724

Applicant(s)/Patent Under  
Reexamination  
OGRAM, MARK E.

Examiner *7/14/03*  
Edward R. Cosimano

Art Unit  
3629

Page 1 of 1

#### U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-T104,003	03-1984	Hall et al	1/1
B	US-			
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

#### FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

#### NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)	
U		
V		
W		
X		

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Attachment for PTO-948 (Rev. 03/01, or earlier)**

**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-17), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

# The United States Patent and Trademark Office has changed certain mailing addresses!

Effective May 1, 2003

Use the address provided in this flyer after May 1, 2003 for any correspondence with the United States Patent and Trademark Office (USPTO) in patent-related matters to organizations reporting to the Commissioner for Patents.

DO NOT USE the Washington DC 20231 and P.O. Box 2327 Arlington, VA 22202 addresses after May 1, 2003 for any correspondence with the USPTO even if these old addresses are indicated in the accompanying Office action or Notice or in any other action, notice, material, form, instruction or other information.

**Correspondence in patent-related matters to organizations reporting to the Commissioner for Patents must now be addressed to:**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**



## Special Mail Stop designations to replace Special Box designations

Also effective May 1, 2003, the USPTO is changing the special Box designations for Patents and Trademarks to corresponding Mail Stop designations (e.g., "Box 4" will now be "Mail Stop 4").

For further information, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003). A copy of the *Federal Register* notice is available on the USPTO's web site at <http://www.uspto.gov/web/menu/current.html#register>

A listing of specific USPTO mailing addresses (See Patents – specific) will be available on the USPTO's web site on April 15, 2003 at <http://www.uspto.gov/main/contacts.htm>

Persons filing correspondence with the Office should check the rules of practice, the *Official Gazette*, or the Office's Internet Web site ([www.uspto.gov](http://www.uspto.gov)) to determine the appropriate address and Mail Stop Designation (if applicable) for all correspondence being delivered to the USPTO via the United States Postal Service (USPS).

Questions regarding the content of this flyer should be directed to the Inventor Assistance Center at (703) 308-4357 or toll-free at 1-800-786-9199.

**REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED  
COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003**

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 Fed. Reg. 38611 (June 30, 2003), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

***Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.***

Note: The amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

**REVISED AMENDMENT PRACTICE**

**I. Begin each section of an amendment document on a separate sheet:**

Each section of an amendment document (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

**II. Two versions of amended part(s) no longer required:**

37 CFR 1.121 has been revised to no longer require two versions (a clean version and a marked up version) of each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for substitute specifications under 37 CFR 1.125 have been retained.

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, must include a complete listing of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and the text of each pending claim (with markings to show current changes) must be presented. The claims in the listing will replace all prior claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original), (currently amended), (canceled), (withdrawn), (new), (previously presented) and (not entered). The text of all pending claims, including withdrawn claims, must be submitted each time any claim is amended. Canceled and not entered claims must be indicated by only the claim number and status, without presenting the text of the claims.
- (2) The text of all claims being currently amended must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for deletion of five characters or fewer, double brackets may be used (e.g., [[error]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings.
- (3) The text of pending claims not being currently amended, including withdrawn claims, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.

**Revised Notice\***  
**AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT**

The United States Patent and Trademark Office (USPTO) is permitting applicants to submit amendments in a revised format as set forth below. Further details of this practice are described in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, signed January 31, 2003, expected to be published in *Official Gazette* on February 25, 2003 (Notice posted on the Office's web site at

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/revamdtprac.htm>). The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

Effective immediately, all applicants may submit amendments in reply to Office actions using the following format. Participants in the Office's electronic file wrapper prototype<sup>1</sup> receiving earlier notices of the revised practice may also employ the procedures set out below.

**REVISED FORMAT OF AMENDMENTS**

**Begin on separate sheets:**

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Drawing Amendments, and Remarks) should begin on a separate sheet. *For example*, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections must begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

**Two versions of amended part(s) no longer required:**

The current requirement in 37 CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section or claim will be waived where an amendment is submitted in revised format below. The requirements for substitute specifications under 37 CFR 1.125 will be retained.

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, or submission of a new claim, **must include a complete listing of all claims in the application**. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated - formerly claim #\_), (previously reinstated), (re-presented - formerly dependent claim #\_), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.
- (2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended" will include markings.
- (3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.

<sup>1</sup> The Office's Electronic File Wrapper prototype program is described in *USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING*, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"), and applies only to Art Units 1634, 2827 and 2834.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Cosimano, Edward R.  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

**AMENDMENT C**  
37 C.F.R. 1.115

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 07/15/2003, please make the following amendments and note the corresponding remarks.

Enclosures:

- (1) Terminal Disclosure- USP 5,991,738;
- (2) Terminal Disclosure- USP 5,822,737;
- (3) Terminal Disclosure- Application # 09/654,339;
- (4) Terminal Disclosure- Application # 10/055,246;
- (5) Check No. 4066 for the amount of \$ 220.00.

In the Claims: Please amend the claims as indicated:

1       1. (Currently amended) A financial processing system operating ~~without human intervention~~ comprising:

2       a) automatic means for receiving a customer account data originating directly from a remote customer

3       computer, and amount data from a remote merchant computer via a computer network, where the customer computer

4       and merchant computer are separate and distinct computers;

5       b) ~~automatic means for communicating said customer account data and said amount data to a remote bank~~

6       computer via a telephone network;

7       b) ~~automatic means for receiving establishing an authorization indicia from said a bank computer via the~~

8       phone network; and,

9       c) ~~automatic means for communicating via said computer network a representation of said authorization~~

10      ~~indicia to said merchant computer based on said authorization indicia, means for connecting said customer computer~~

11      ~~to said merchant computer.~~

1       2. (Previously amended) The financial processing system according to claim 1, further including automatic

2       means for communicating a unique password to said customer computer.

1       3. (Original) The financial processing system according to claim 2, further including automatic means for

2       communicating via said computer network, said password and said representation of said transaction indicia to said

3       remote customer computer.

1       4. (Original) The financial processing system according to claim 2, wherein said automatic means for

2       receiving a customer account data includes means for establishing a data link with said remote customer computer.

1       5. (Original) The financial processing system according to claim 2, wherein said automatic means for

2       receiving a customer account data includes means for establishing a data link with said remote merchant computer.

5           1) memory means containing secured data, and,  
6           2) automatic means for transmitting the secured data to said customer computer in response to the  
7           password.

1           10. (Original) The financial transaction system according to claim 7, wherein said password and said  
2           transaction indicia are communicated to said customer computer via said merchant computer.

6. (Deleted)

1       7. (Currently Amended) A financial transaction system operating without human intervention comprising:

2           a) a merchant computer containing promotional data, said merchant computer having automatic means for

3       communicating said promotional data via a computer network to a remote computer; and,

4           b) a financial processing computer, remote from said merchant computer, said financial processing computer

5       having automatic means for:

6           1) receiving customer account data and amount data via said computer network, ~~where the~~  
7           ~~account data and amount data originate from separate and distinct locations;~~

8           2) obtaining an authorization indicia ~~via a telephone network~~, and,

9           3) ~~via said computer network, communicating a representation of said authorization indicia to a~~  
10           ~~said merchant computer based on said authorization indicia, connecting said remote computer to~~  
11           ~~said merchant computer, and,~~

12       ~~wherein said merchant computer includes automatic means for storing said representation of said authorization indicia~~  
13       ~~within a memory of said merchant computer.~~

1       8. (Original) The financial transaction system according to claim 7, wherein said merchant computer

2       further includes automatic means for generating a shipping order in response to said representation of said  
3       authorization indicia.

1       9. (Original) The financial transaction system according to claim 7,

2           a) wherein said financial processing computer further includes automatic means for communicating a  
3       password to said customer computer; and,

4           b) wherein said merchant computer further includes:

REMARKS

Claims 1-5 and 7-10 were pending before the examiner. The examiner has rejected all of the claims.

By this amendment, independent claims 1 and 7 have been modified to illustrate an aspect of the invention, namely, the connecting of the two remote computers by the processor computer after the authorization has been received.

In a related application, serial number 09/654,339, on July 23, 2003, a phone interview with the examiner was conducted. The subject of the interview was a proposed claim 1 for that application. The claim had been sent by FAX to the examiner the day before. The examiner pointed out that the proposed amendment to claim 1 raised 112 issues. Language to correct these 112 issues was discussed.

Enclosed with this Amendment are Terminal disclaimers (together with proper payment) relating to associated applications and issued patents. The Terminal Disclaimers are meant to expedite the examination process.

The specification and claims have been reviewed for typographical and grammatical errors. No further errors have been found.

The examiner has rejected claims 1-5 and 7-10 under 35 U.S.C. 103(a) citing the Communications Week article in view of Hall and common well accepted practice.

Note the changes made to the independent claims, namely the requirement that the connection of the customer computer to the merchant computer. Hall merely shows the placement of data at specific locations within a data stream:

“...Under a synchronous data link control (SDLC) protocol which has information frames and supervisory frames ....” (Abstract, lines 5-7)

The Communications week article is also completely silent on this point (connecting customer to merchant) and deals exclusively with collecting the information and then passing the authorize/not-authorized back to the merchant:

“... intermediaries take the credit card information, secure the authorization from the credit card issuer and

pass that verification along to the merchant." (Page 2, lines 4-5)

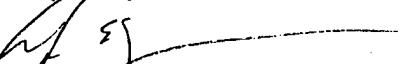
By relying on these references, the examiner is expecting "one of ordinary skill in the art" to make the currently claimed invention completely from "whole cloth". There is no support nor any suggestion in these references to proceed as claimed in the present application.

It is respectfully submitted that claims 1-5 and 7-10, as now amended, are not taught or suggested by the Communications Week article, Hall, or accepted practice, whether taken singly or in any combination.

The references previously used or cited by the examiner have been reviewed and none of them are felt to cure the problems already noted above.

Based upon the above, it is respectfully submitted that claims 1-5 and 7-10, as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,

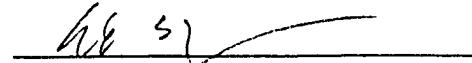
  
Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

Date: July 30, 2003

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**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 30, 2003.

  
Mark Ogram (reg. No. 30343)

Date: July 30, 2003

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Cosimano, Edward R.  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

## TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C)) United States Patent number 5,991,738

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

I, Mark Ogram, represent that I am:

an inventor of the above identified invention;  
 an assignee of the above identified invention;  
 a representative authorized to sign on behalf of the assignee of the above identified invention;  
 the attorney of record for the above identified invention.

### Identity of Assignee and Title of Disclaimant:

The assignee is: Name: Net MoneyIN Inc.  
Address: 7454 E. Broadway ste 203  
Tucson, Arizona 85710

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 9128/0581

### Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

the whole of this invention;  
 A sectional interest in this invention, as follows: \_\_\_\_\_

### Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

United States Patent number 5,991,738, as presently shortened by any terminal disclaimer;  
 Any patent granted on application number \_\_\_\_\_

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

(X) United States Patent number 5,991,738, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_.

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

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(X) United States Patent number 5,991,738, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_.

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Fees:**

The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

( )	Other than a small entity:	\$ 110.00
(X)	Small Entity	\$ 55.00
( )	A verified small entity statement is attached	
(X)	A verified small entity statement was filed on <u>September 21, 1999</u>	

Attached is check number 4066 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

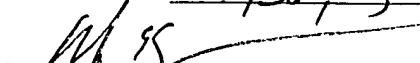
Respectfully Submitted,

  
Mark E. Ogram  
Attorney at Law (Reg. No. 30343)

Date: 7/30/03

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on 7/30/03, 2003.

  
Mark E. Ogram, reg. no. 30343

Date: 7/30/03

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram  
Serial #: 09/400,724  
Filed: 09/21/1999  
For: A FINANCIAL SYSTEM OF COMPUTERS

Docket No.: 1475B.5A  
Examiner: Cosimano, Edward R.  
Group: 3629

## TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C)) United States Patent number 5,822,737

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

I, Mark Ogram, represent that I am:

( an inventor of the above identified invention;  
( an assignee of the above identified invention;  
( a representative authorized to sign on behalf of the assignee of the above identified invention;  
( the attorney of record for the above identified invention.

### Identity of Assignee and Title of Disclaimant:

The assignee is: Name: Net MoneyIN Inc.  
Address: 7454 E. Broadway ste 203  
Tucson, Arizona 85710

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 7853/0885

### Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

( the whole of this invention;  
( A sectional interest in this invention, as follows: \_\_\_\_\_)

### Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

( United States Patent number 5,822,737, as presently shortened by any terminal disclaimer;  
( Any patent granted on application number \_\_\_\_\_)

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

(X) United States Patent number 5,822,737, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

(X) United States Patent number 5,822,737, as presently shortened by any terminal disclaimer;  
( ) Any patent granted on application number \_\_\_\_\_

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Fees:**

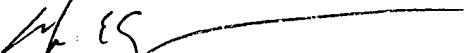
The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

( )	Other than a small entity:	\$ 110.00
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( )	A verified small entity statement is attached	
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Attached is check number 4066 For the amount \$ 55.00

A duplicate of this disclaimer is attached.

Respectfully Submitted,



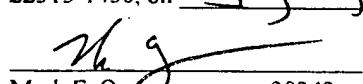
Mark E. Ogram  
Attorney at Law (Reg. No. 30343)

Date: July 30, 2003

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**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on July 30, 2003.

  
Mark E. Ogram, reg. no. 30343

7/30/03  
Date

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Cosimano, Edward R.  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

## TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C)) United States Patent application number 09/654,339

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

I, Mark Ogram, represent that I am:

an inventor of the above identified invention;  
 an assignee of the above identified invention;  
 a representative authorized to sign on behalf of the assignee of the above identified invention;  
 the attorney of record for the above identified invention.

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The assignee is: Name: Net MoneyIN Inc.  
Address: 7454 E. Broadway ste 203  
Tucson, Arizona 85710

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 011070/0808

### Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

the whole of this invention;  
 A sectional interest in this invention, as follows: \_\_\_\_\_

### Disclaimer (37 CFR 1.321(a) and (b)):

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United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
 Any patent granted on application number 09/654,339,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

( ) United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
(X) Any patent granted on application number 09/654,339,

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( ) United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
(X) Any patent granted on application number 09/654,339,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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(X)	A verified small entity statement was filed on <u>September 21, 1999</u>	

Attached is check number 9060 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

Respectfully Submitted,

  
Mark E. Ogram

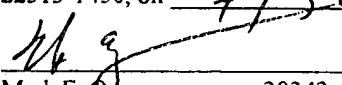
Attorney at Law (Reg. No. 30343)

Date: 7/30/02

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**CERTIFICATE OF MAILING (37 CFR 1.8)**

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Mark E. Ogram, reg. no. 30343

7/30/02  
Date

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Cosimano, Edward R.  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

## TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C)) United States Patent application number 10/055,246

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

I, Mark Ogram, represent that I am:

an inventor of the above identified invention;  
 an assignee of the above identified invention;  
 a representative authorized to sign on behalf of the assignee of the above identified invention;  
 the attorney of record for the above identified invention.

### Identity of Assignee and Title of Disclaimant:

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Address: 7454 E. Broadway ste 203  
Tucson, Arizona 85710

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 012538/0714

### Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

the whole of this invention;  
 A sectional interest in this invention, as follows: \_\_\_\_\_

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United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
 Any patent granted on application number 10/055,246,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Cosimano, Edward R.  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

## TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION ( 37 CFR 1.321(C)) United States Patent application number 10/055,246

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sir:

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 an assignee of the above identified invention;  
 a representative authorized to sign on behalf of the assignee of the above identified invention;  
 the attorney of record for the above identified invention.

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Tucson, Arizona 85710

Title of disclaimant authorized  
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 012538/0714

### Extent of Disclaimant's Interest:

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 A sectional interest in this invention, as follows: \_\_\_\_\_

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United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
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( ) United States Patent number \_\_\_\_\_, as presently shortened by any terminal disclaimer;  
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(X)	A verified small entity statement was filed on <u>September 21, 1999</u>	

Attached is check number 9066 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

Respectfully Submitted,

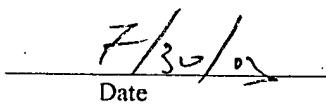
  
Mark E. Ogram  
Attorney at Law (Reg. No. 30343)

Date: 5/30/03

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on 5/30, 2003.

  
Mark E. Ogram, reg. no. 30343

  
Date 5/30/03

Attachment 17



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,724	09/21/1999	MARK E. OGRAM	1475B.5A	3732
7590	06/09/2005		EXAMINER	
MARK E OGRAM 7454 E BROADWAY STE 203 TUCSON, AZ 85710			RUHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/400,724	OGRAM, MARK E.
	Examiner	Art Unit
	Dennis Ruhl	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 August 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5 and 7-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,7-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

Applicant's response of 8/1/03 has been entered. Currently claims 1-5,7-10, are pending. The instant examiner has reviewed the prosecution history to date and notes the previous rejections of record and arguments presented by applicant.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 3, there is no antecedent basis for "said representation of said transaction indicia". This was previously part of claim 1 but was canceled from that claim in the most recent amendment so now this term has no antecedent basis in claim 3. What does this term even refer to? No transaction indicia is claimed in claim 1 so what is the representation of the transaction indicia? This is not clear.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Art Unit: 3629

4. Claims 1-5,7-10, are rejected under 35 U.S.C. 102(e) as being anticipated by Payne et al. (5715314).

For claims 1, Payne discloses a system as claimed. Payne discloses a merchant computer 14, financial computer 16, and a consumer computer 12. The claimed means for receiving customer account data and amount data via a computer network (the Internet) is considered to be either a modem of the financial computer or is considered to be the software/hardware that the financial computer uses to receive data over the network. The means for establishing an authorization indicia from a bank computer (considered the financial computer 16) is satisfied by the disclosed "access URL authenticator", see column 7, lines 15-31. The means for connecting the consumer computer to a selected site within the merchant computer is disclosed in column 7, lines 31-39 where it is disclosed that the financial computer sends a "redirect to access URL" to the consumer computer after authorization of the purchase is confirmed. The URL is a link that connects the consumer computer to a site in the merchant computer so that the merchant computer knows that the payment has been completed and the user is authorized to view the purchased article.

For claims 2,3, the claimed "means for communicating" the password and representation of indicia is considered to be either a modem of the financial computer or is considered to be the software/hardware that the financial computer uses to send and receive data over the network. This limitation is just claiming a means for communicating, where the claimed password and representation of indicia is just reciting the kind of data that the means for communicating can communicate.

For claims 4,5, the means for receiving data (addressed in claim 1) allows for a data link to be established with another computer as claimed. If you can receive data via a modem, then you have a way to establish a data link with another computer. Payne anticipates what is claimed.

For claim 7, Payne discloses a system as claimed. Payne discloses a merchant computer 14, financial computer 16, and a remote computer 12. The computer network is the Internet that is disclosed in column 4, lines 43-45. The merchant computer contains promotional data as claimed. The promotional data is the summaries of various articles that are available for purchase by the consumer, see column 4, lines 50-60. The "means for communicating order information" via the network is considered to be either a modem of the merchant computer or is considered to be the software/hardware that the merchant computer uses to send and receive data over the network. The merchant computer has a means for communication as claimed. The financial computer has means for receiving account data and amount data via the network and this is also considered to be either a modem of the financial computer or is considered to be the software/hardware that the financial computer uses to receive data. The means for connecting the consumer computer to a selected site within the merchant computer is disclosed in column 7, lines 31-39 where it is disclosed that the financial computer sends a "redirect to access URL" to the consumer computer after authorization of the purchase is confirmed. The URL is a link that connects the consumer computer to a site in the merchant computer so that the merchant computer knows that the payment has been completed and the user is authorized to view the

purchased article. The claimed authorization indicia is considered to be the "access URL authenticator" disclosed by Payne as being created.

For claim 8, the claimed automatic means for generating a shipping order is interpreted by the examiner to be the command that allows the user access to the purchased article (or the goods if a real product is being purchased). Once the merchant computer knows that the consumer has paid for the article, the merchant computer allows access, which is equivalent to generating a "shipping order". In the embodiment where a real good is purchased (as opposed to a text article), once the merchant knows you have paid for the good, the good must be shipped to the consumer. In this example a shipping order is necessarily present because the merchant computer will instruct the shipping of the product to the consumer once payment has been verified.

For claim 9, the claimed "means for communicating" the password is considered to be either a modem of the financial computer or is considered to be the software/hardware that the financial computer uses to send and receive data over the network. The merchant computer has a database 15 that stores secured data (articles) as claimed. The means for transmitting the secured data is considered to be either a modem of the merchant computer or is considered to be the software/hardware that the merchant computer uses to send and receive data over the network.

For claim 10, this claim is reciting a method step in an article claim, which is nothing more than a recitation of the intended use of the article (the claimed system). This defines nothing further to the structure recited in claim 7. A recitation of the

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Art Unit: 3629

intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, which in this case it is, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

1. Applicant's arguments with respect to claims 1-5,7-10 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL  
PRIMARY EXAMINER

Attachment 12

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re the Application of: Ogram Docket No.: 1475B.5A  
Serial #: 09/400,724 Examiner: Ruhl, Dennis William  
Filed: 09/21/1999 Group: 3629  
For: A FINANCIAL SYSTEM OF COMPUTERS

**AMENDMENT 1**  
37 C.F.R. 1.116; After Final

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 06/09/2005, please make the following amendments and note the corresponding remarks.

**Enclosures:**

Please amend the claims as indicated:

In the Claims: Please amend the claims as indicated:

- 1 1. (Previously amended) A financial processing system operating comprising:
  - 2 a) automatic means for receiving a customer account data originating directly from a remote customer
  - 3 computer, and amount data from a remote merchant computer via a computer network, where the customer computer
  - 4 and merchant computer are separate and distinct computers;
  - 5 b ) automatic means for establishing an authorization indicia from a bank computer; and,
  - 6 c ) based on said authorization indicia, means for connecting said customer computer to said merchant
  - 7 computer.
- 1 2. (Previously amended) The financial processing system according to claim 1, further including automatic
- 2 means for communicating a unique password to said customer computer.
- 1 3. (Currently Amended) The financial processing system according to claim 2, further including automatic
- 2 means for communicating via said computer network, said password and a said representation of said transaction
- 3 indicia to said remote customer computer.
- 1 4. (Original) The financial processing system according to claim 2, wherein said automatic means for
- 2 receiving a customer account data includes means for establishing a data link with said remote customer computer.
- 1 5. (Original) The financial processing system according to claim 2, wherein said automatic means for
- 2 receiving a customer account data includes means for establishing a data link with said remote merchant computer.
6. (Withdrawn)

1           7. (Previously Amended) A financial transaction system operating without human intervention  
2 comprising:

3           a) a merchant computer containing promotional data, said merchant computer having automatic means for  
4 communicating said promotional data via a computer network to a remote computer; and,

5           b) a financial processing computer, remote from said merchant computer, said financial processing  
6 computer having automatic means for:

7           1) receiving customer account data and amount data via said computer network,

8           2) obtaining an authorization indicia, and,

9           3) based on said authorization indicia, connecting said remote computer to said merchant  
10 computer.

1           8. (Original) The financial transaction system according to claim 7, wherein said merchant computer  
2 further includes automatic means for generating a shipping order in response to said representation of said  
3 authorization indicia.

1           9. (Original) The financial transaction system according to claim 7,

2           a) wherein said financial processing computer further includes automatic means for communicating a  
3 password to said customer computer; and,

4           b) wherein said merchant computer further includes:

5           1) memory means containing secured data, and,

6           2) automatic means for transmitting the secured data to said customer computer in response to the  
7 password.

1           10. (Original) The financial transaction system according to claim 7, wherein said password and said  
2 transaction indicia are communicated to said customer computer via said merchant computer.

REMARKS

Claims 1-5 and 7-10 were pending before the examiner. The examiner has rejected all of the claims and has made the action Final.

The examiner has rejected claim 3 under 35 U.S.C. 112, second paragraph stating that the term "said representation of said transaction indicia" lacks antecedent basis.

By this amendment, the offending phrase has been corrected.

It is respectfully submitted that claim 3, as now amended, fully complies with the requirements of 35 U.S.C. 112, second paragraph.

The examiner has rejected claims 1-5 and 7-10 under 35 U.S.C. 102(e) citing Payne ('314).

The examiner relies upon the following passage as support for the contention that the customer is automatically re-connected with the merchant within Payne ('314):

"The payment computer then sends a redirect to access URL to the buyer computer (step 90) which sends the access URL to the merchant computer (step 92). The merchant computer verifies whether the access URL authenticator was created from the contents of the access URL using the cryptographic key (step 94). If not, the merchant computer sends a document to the buyer computer indicating that access to the product is denied (step 96)" (Payne '314 col. 7, lines 31-39, underline added)

Payne is a very simple concept as it attempts to accomplish a single objective, to provide a mechanism which allows the merchant to receive an order which is not forgeable.

"The invention provides a simple design architecture for the network sales system that allows the merchant computer to respond to payment orders from the buyer computer without the merchant computer having to communicate directly with the payment computer to ensure that the user is authorized to purchase the product and without the merchant computer having to store information in a database regarding which

buyers are authorized to purchase which products." ( Payne, '314, col. 2, lines 3-11)

This objective of Payne is accomplished using an "access message" which serves as a ticket or receipt for the product:

"... when the merchant computer receives an access message from the buyer computer identifying a product to be purchased, the merchant computer need only check the access message to ensure that it was created by the payment computer." (Payne, '314, col. 2, lines 11-15)

The "access message" is sent by the customer to the merchant as a "ticket" or "receipt" for the product that is to be delivered.

While Payne does use the term URL (universal resource locator), the use of the term URL is not intended to mean a "linkage" or "connection", rather, URL is used only as a reference to identify the product which is sought:

"The user browses through the advertising document and eventually requests a product (step 32). This results in the buyer computer sending payment URL A to the payment computer (step 34). Payment URL A includes a product identifier that represents the product the user wishes to buy." (Payne, '314, col. 5, lines 27-29)

Note, the "Payment URL" is not a linkage identifier between the customer and the payment computer, it is rather "... a product identifier...".

In like fashion, the payment computer and the merchant computer utilize a "payment URL authenticator" to identify the product being sought and how long the product is to be made available to the customer:

“The payment URL authenticator is a has of other information in the payment URL, the has being defined by a key shared by the merchant and the operator or the payment computer.” (Payne, ‘314, col. 5, lines 44-46)

Examiner Ruhl failed to properly read the referenced section of Payne. Payne ‘314 does not indicate that the “buyer computer” is reconnected to the “merchant computer” by the “payment computer”! Rather, the passage clearly states that

“... the buyer computer ... sends the URL to the merchant computer...” (Payne ‘314, Col. 7, lines 32-33; underline added)

A re-connection is not sent, it is done. A re-connection is not even contemplated; Payne clearly is passing messages and not re-connecting, otherwise, why would Payne include such items as (Payne ‘314, col. 5, lines 23-42):

“...a product identifier that represents a product the user wishes to buy..” (a re-connection doesn’t need to know the product)

“...a domain identifier that represent a domain of products to which the desired product belongs...” (why would this be used in a re-connection?)

“... a payment amount that represents the price of the product...” (The pricing of the product is not important if there is to be a re-connection)

“...a merchant computer identifier that represents merchant computer 14 ...” (If the URL was a re-connection link, then this information is already in the URL.)

“... a merchant account identifier that represents the particular merchant account to be credited with the payment amount...” (re-connection has nothing to do with the merchant’s bank account)

“... a duration time that represents the length of time for which access to the product is to be granted to the user after completion of the purchase transaction...” (not used for any type of re-connection or linkage process)

“...an expiration time that represents a deadline beyond which this particular payment URL cannot be used...” (the use of an expiration is not germane to any type of re-connection or linkage)

“... a payment URL authenticator that is a digital signature based on a cryptographic key...” (why would a re-connection need a cryptographic key?)

While none of these elements of the Payment URL are usable or required in any sort of re-connection/linkage, they all have a business purpose of serving to assist the merchant in making sure the proper product is delivered during the proper time frame to the proper customer.

The connection with the “merchant computer” is initiated and made by the “buyer computer”; and, why is this done, because the “access URL” is not a re-connection between the two computer but rather a “pass” or “ticket” which is used repeatedly by the “buyer computer” and is passed to the “merchant computer” similar to the use of bus pass in the real world. Simply look at the contents of “access URL”:

“... the payment computer creates an access URL (step 80) that includes a merchant computer identifier, a domain identifier, a product identifier, an indication of the end of the duration time for which access to the product is to be granted, the buyer network address, and an access URL authenticator that is a digital signature based on a cryptographic key.” (Payne, ‘314, Col. 7, lines 19-25, underline added)

Payne is a "ticket" or "receipt":

"This is done because the buyer computer can request access to a purchased product repeatedly." (Payne '314, col. 7, lines 42-43)

At each use by the "buyer computer" to gain access to the product, access to the "payment computer" is not required; hence, the "access URL" is simply a "ticket", not a re-connection as the present invention clearly claims in the independent claims.

Even in the alternative embodiment discussed in Payne, (where the "Merchant Computer" interacts with the "Payment Computer", the "Payment Computer" simply provides:

"... the payment computer sends a payment confirmation document to the buyer computer, the payment confirmation document including an "open" link and a "continue" link (step 44)." (Payne '314, col. 6, lines 5-8)

Clearly, the claims cannot be anticipated by Payne as Payne teaches the use of a ticket that can be used repeatedly and is "handed in" by the customer, not by the processing computer.

The next question that must be addressed is if Payne is able to teach or suggest the claims to one of ordinary skill in the art.

First, Payne is completely silent as to any control on the re-connection; Second, Payne's function is to create a "ticket" so that access can be granted.

The concept of re-connecting the "buyer" and the "merchant" computers is alien to Payne. Even in the alternative embodiment discussed in Payne, (where the "Merchant Computer" interacts with the "Payment Computer", the "Payment Computer" simply provides:

"... the payment computer sends a payment confirmation document to the buyer computer, the payment confirmation document including an "open" link and a "continue" link (step 44)." (Payne '314, col. 6, lines 5-8)

The present invention provides not only an automated initial re-entry into the merchant's site (claims 1 and 7) but also provided for successive "visits" by the "buyer"/customer through the use of a password (claims 2 and 9) which Payne is incapable of teaching or suggesting.

The teachings of Payne are directed solely to the creation of a ticket; no automatic re-connections are possible. One of ordinary skill in the art would not abandon the "ticket" teachings to arrive at the present claims.

Based upon the above, it is respectfully submitted that claims 1-5 and 7-10, are not anticipated by Payne '314 and further that Payne '314 is incapable of teaching or suggesting these claims.

It is respectfully submitted that claims 1-5 and 7-10, as now amended are allowable and should be advanced to issuance.

Respectfully Submitted,

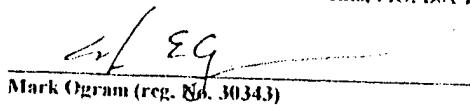


Mark E. Ogram  
Attorney at Law  
Reg. No. 30343

Date: July 26, 2005

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 26, 2005.

  
Mark Ogram (reg. No. 30343)

7/26/2005  
Date:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,724	09/21/1999	MARK E. OGRAM	1475B.SA	3732
7590	08/15/2005			EXAMINER
MARK E OGRAM			RUHL, DENNIS WILLIAM	
7454 E BROADWAY STE 203				PAPER NUMBER
TUCSON, AZ 85710			3629	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/400,724

Applicant(s)

OGRAM, MARK E.

Examiner

Dennis Ruhl

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
- (b)  They raise the issue of new matter (see NOTE below);
- (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-5 and 7-10.

Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13.  Other: N/A

  
DENNIS RUHL  
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The examiner has read applicant's comments but does not find them to be persuasive. Applicant has argued that Payne does not use the term URL to mean a linkage or connection but the examiner does not agree. In column 7 it is stated that a "redirect to access URL" is sent to the customer computer. The reason for this is to allow access to the purchased items at the merchant computer. Applicant has not addressed the fact that Payne uses the terms "redirect to access" in column 7. If the buyer computer is not being connected again to the merchant computer, then why is the term "redirect" used? The examiner takes the position that the "redirect to access URL" is in fact a means to connect the buyer computer to the merchant computer. How does applicant address the fact that the term redirect is used? To send a redirect to access URL to the buyer computer is redirecting the buyer to the merchant as claimed in the opinion of the examiner.



DENNIS RUHL  
PRIMARY EXAMINER

FILING RECEIPT

CORRECTED

Attachment



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP/ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/400,724	09/21/99	2761	\$380.00	1475B.5A	8	10	3

MARK E OGRAM  
8040 S KOLB RD  
TUCSON AZ 85706

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) MARK E. OGRAM, TUCSON, AZ.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 09/166,749 10/05/98 PAT 5,963,917  
WHICH IS A CON OF 08/597,017 02/05/96 PAT 5,822,737

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 10/22/99 \*\* SMALL ENTITY \*\*  
TITLE  
FINANCIAL SYSTEM OF COMPUTERS

PRELIMINARY CLASS: 705

DATA ENTRY BY: BLACK, NICOLE

TEAM: 03 DATE: 11/23/99



(See reverse for new important information)

## FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/400,724	09/21/99	2761	\$380.00	1475B.5A	8	10	3

MARK E OGRAM  
8040 S KOLB RD  
TUCSON AZ 85706

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) MARK E. OGRAM, TUCSON, AZ.

## CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 09/166,749 10/05/98 PAT 5,963,917  
WHICH IS A CON OF 08/597,017 02/05/96 PAT 5,822,737

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 10/22/99  
TITLE  
FINANCIAL SYSTEM OF COMPUTERS

PRELIMINARY CLASS: 705

DATA ENTRY BY: BLACK, NICOLE

TEAM: 03 DATE: 10/22/99



APPLICATION FOR U.S. PATENT  
TRANSMITTAL FORM

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application  
of:

Inventor(s) Mark E. Ogram

For: A Financial System of Computers

Utility  Design  Plant

Enclosed are:

- (1) 8 sheet(s) of informal drawings;
- (2) Specification with claims;
- (3) Application for U.S. Patent, Declaration, and Power of Attorney;
- (4) A duplicate copy of this form;
- (5) Check Number 3112 for the amount of \$ 420.00;
- (6) Verified Statement (Declaration) Claiming Small Entity;
- (7) Assignment (Including form PTO-1595);
- (8) Disclosure Statement

Payment is based on the following calculations (37 C.F.R. 1.16):

BASIC FILING FEE ..... \$ 380.00

Small Entity @ \$380.00

NOT Small Entity @ \$760.00

NUMBER OF INDEPENDENT CLAIMS 3  
Number in excess of 3: 0 ..... \$ 0.00

Small Entity @ \$39.00 each

NOT Small Entity @ \$78.00 each

NUMBER OF CLAIMS 10  
Number in excess of 20: 0 ..... \$ 0.00  
 Small Entity @ \$9.00 each  
 NOT Small Entity @ \$18.00 each

NUMBER OF MULTIPLE DEPENDENT CLAIMS 0 ... \$ 0.00  
 Small Entity @ \$130.00  
 NOT Small Entity @ \$260.00

ASSIGNMENT RECORDATION FEE (\$40.00) ..... \$ 40.00

TOTAL: \$ 420.00

All correspondence relating to this application may be addressed to the undersigned at:

Mark E. Ogram  
8040 S. Kolb Road  
Tucson, AZ 85706

*ME*  
Mark E. Ogram

Attorney for Applicant

*9/20/95*

Date

Reg. No. 30343  
(520) 574-3399

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label No. \_\_\_\_\_

Date of Deposit: \_\_\_\_\_

I hereby certify that this New Patent Application and Fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: \_\_\_\_\_

*Sybil H. Radel*  
Sybil H. Radel

RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

Tab settings □ □ □ □ □

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Mark E. Ogram

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other \_\_\_\_\_

Execution Date: 09/20/99

## 2. Name and address of receiving party(ies)

Name: Net MoneyIN, Inc.

Internal Address: \_\_\_\_\_

Street Address: 8040 S. Kolb Road

City: Tucson State: AZ ZIP: 85706

Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark E. Ogram

Internal Address: \_\_\_\_\_

Street Address: 8040 S. Kolb Road

City: Tucson State: AZ ZIP: 85706

6. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$ 40.00 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark E. Ogram

Name of Person Signing

Signature

3

Date

Total number of pages including cover sheet, attachments, and document:

Applicant: Ogram Docket No. 1475B.5A  
Serial or Patent No.: \_\_\_\_\_  
Filed or Issued: Contemporaneously  
For: A Financial System of Computers

ASSIGNMENT

WHEREAS, I/we, the undersigned, Mark E. Ogram own rights to the invention filed Contemporaneously and entitled "A Financial System of Computers"

WHEREAS, Net MoneyIN, Inc. (hereinafter "Company" or "Assignee"), a Arizona Corporation, having a principal place of business at 8040 S. Kolb Rd., Tucson, Arizona 85706, is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned:

Hereby sell, assign, and transfer unto said Company the entire right, title and interest in and throughout the United States of America (including its possessions and dependencies), and all countries foreign thereto, in and to said invention, said application and any and all patents (including reissues and extensions thereof), of any country, which have been or may be granted on said invention or any part thereof, or on said application or any divisional, substitute, continuation-in-whole or in-part, renewal, reissue or other patent application based thereon, or based upon said invention, together with the right in said Company to apply for any such patent in its own name in all countries of the world where such is permissible by law, and the right to claim the benefit of the priority right provided by the International Convention of 1883, as amended to date, and any other such priority right; TO BE HELD AND ENJOYED by said Company, its successors and assigns, to the full ends of the respective terms for which said patents or any of them have been or may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned had no sale and assignment of said interest been made;

Authorize and request the Commissioner of Patents of the United States of America to issue any and all United States Patents which may be granted upon said United States Applications or any of them, or upon said invention or any part thereof, to said Company;

Agree, for the undersigned and for the heirs and legal representatives of the undersigned, to execute without further consideration any further lawful documents and any further assurances, and any divisional, continuation-in-whole or in-part,

substitute, renewal, reissue, or other applications for patents of any country that might be deemed necessary by said assignee fully to secure to said assignee its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

Covenant, for the undersigned and for the legal representatives of the undersigned, and agree with said Company its successors and assigns, that no right of license to make, use or sell said invention has been or will be granted by the undersigned to anyone.

IN WITNESS WHEREOF, I have unto set my hand and seal on the date indicated by my signature.

Inventor Signature:

Date:

*W E G*

*Sept 20, 1999*

STATE OF )

)

) ss.

COUNTY OF )

)

On the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, before me personally came \_\_\_\_\_ to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.

NOTARY PUBLIC

(seal)

My commission expires: \_\_\_\_\_

FOR THE COMPANY:

Signature: *Wayne Rock*

Position: *President*

Date: *9-20-99*

STATE OF )

)

) ss.

COUNTY OF )

)

On the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, before me personally came \_\_\_\_\_ to me known to be the individual described in and who executed for foregoing instrument, and acknowledged that he/she executed the same.

NOTARY PUBLIC

(seal)

My commission expires: \_\_\_\_\_

APPLICATION FOR U.S. PATENT  
DECLARATION AND POWER OF ATTORNEY

As the below named inventor(s), I/we declare that my/our residence, post office address, and citizenship are as stated below next to my name; that I/we have read and understand the contents of the attached specification, including the claims as amended by any amendment specifically referred to herein; that I/we verily believe that I/we am/are the original, first and sole inventor(s) of the invention entitled as set forth below, which is described and claimed in the attached specification; that I/we do not know and do not believe that the same was ever known or used in the United States of America before my/our invention thereof, or patented or described in any printed prior publication in any country before my/our invention thereof, or more than one year prior to this application; or in public use or on sale in the United States of America more than one year before the date of this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me/us or my/our legal representatives or assigns more than twelve months prior to this application; that no application for patent or inventor's certificate on the invention has been filed by me/us or my/our legal representative(s) or assigns in any country foreign to the United States of America; and that I/we acknowledge my duty under 37 CFR 1.56(a) to disclose information of which I/we am/are aware which is material to the examination of this application.

TITLE OF INVENTION: A Financial System of Computers

INVENTOR(S):

Full Name: Ogram Mark E.  
(last) (first) (middle)  
Residence: 780 S. Freeman Rd. Tucson, Arizona 85748  
(street) (city) (state) (zip)  
Post Office Address: SAME AS ABOVE  
: \_\_\_\_\_  
Citizenship: USA

POWER OF ATTORNEY: As the named inventor(s), I/we hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

(1) Mark E. Ogram Registration No. 30343

SEND CORRESPONDENCE TO:  
Mark E. Ogram, P.C.  
8040 S. Kolb Road  
Tucson, AZ 85706

DIRECT TELEPHONE CALLS TO:  
Mark Ogram: (520) 574-3399

I/we further declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor(s): M. Ogram

Date: 9/20/95

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f)) - SMALL BUSINESS CONCERN

As the legal representative of Net MoneyIN, Inc. a corporation under the laws of the State of Arizona, located at 8040 S. Kolb Rd. Tucson, Arizona 85706, I hereby declare that it is a Small Business Concern, as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled: A Financial System of Computers, and filed Contemporaneously.

I further declare that exclusive rights to the invention have been conveyed to and remain with the above identified small business concern.

The Small Business above acknowledges its duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: Wayne Rod  
Name of Person Signing: Wayne Rod  
Title: President  
Address: 8040 S. Kolb Rd  
Tucson, Arizona 85706

Date: 9-20-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ogram : Date: 08/5/99

Serial No.: : Docket No.: 1475B.5A  
Filed: Contemporaneously : Group Art Unit:  
For: A Financial System of Computers

DISCLOSURE STATEMENT  
37 CFR 1.97

Honorable Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Sir:

The following identified references are felt to be relevant  
to the above-identified patent application:

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- "Wells Fargo Secures spot for Internet Shopping", Wells Fargo and CyberCash;
- "Internet tools vendors prep for commerce", Spyglass Inc, and Netscape Communications Corp.;

Online Resources & communications.

E-Mail:

"Accept Credit Cards and Money Payments over the Web!  
Totally Secure, Automated and Operational!"

Respectfully,

  
Mark E. Ogram  
Reg. No. 30343

Date

9/20/99

A FINANCIAL SYSTEM OF COMPUTERS

MoneyIN  
Docket No. 1475B.5A

"SPEC1475.B5A"

August 5, 1999

## A FINANCIAL SYSTEM OF COMPUTERS

1        Background of the Invention:

2        This is a continuation of United States Patent application  
3        serial number 09/166,749 filed on October 5, 1998, and entitled  
4        "Financial System of Computers", which was a continuation of  
5        United States Patent application serial number 08/597,017,  
6        entitled "An Improved Financial Transactions System" filed  
7        February 5, 1996, now United States Patent number 5,822,737,  
8        issued on October 13, 1998.

9        This invention relates generally to financial transactions  
10      and more particularly to transactions involving credit or debit  
11      cards.

12      The time is fast approaching where a significant amount of  
13      commerce will be conducted using distributed networks of  
14      computers such as the Internet. The reason this ground-swell of  
15      commerce will occur is the ability of a single merchant to  
16      economically reach a vast number of potential customers at  
17      substantially no costs. Further, the customers are able to  
18      review a great number of vendors and their products with the ease  
19      of a few key strokes and clicks of the mouse.

20      Although there are vast numbers of merchants already using  
21      such networks, the sales volume has been particularly low due to  
22      a variety of reasons. One reason which has depressed commerce on

1 the networks, is the difficulty with which customers can pay for  
2 their purchases.

3 A variety of techniques have been developed to cure this  
4 problem ranging from accepting phone orders to the establishment  
5 of another currency called "E-Cash".

6 Phone orders in response to merchant promotional materials  
7 creates a variety of problems. One major problem is the  
8 requirements for phone lines and personnel to receive and process  
9 the phone orders. Another hurdle is the simple fact that most  
10 customers have a single phone line to their residence and this  
11 line is used by the computer for accessing the network; the  
12 customer has to disconnect from the network to make the phone  
13 order.

14 Although E-Cash is a viable alternative, it is faced with  
15 some enormous problems which will be difficult or impossible to  
16 address. These include: counterfeiting problems; government  
17 reluctance to accept the concept; difficulties in getting access  
18 for handling E-Cash; and, the low number of users and merchants  
19 which can use E-Cash.

20 It is clear from the foregoing that there is a need for an  
21 efficient methodology and system to accept payment over  
22 distributed computer networks.

1 Summary of the Invention:

2       The present invention contemplates a totally automated  
3       system for securing payment via a distributed network of  
4       computers. In this context, the invention creates an automated  
5       payment system particularly suited for purchases over a network  
6       such as the Internet.

7       Although the present invention is described relative to the  
8       Internet, its application is not so limited and is intended to be  
9       used on any distributed computer system in which merchants and  
10      consumers interact for the purpose of supplying and purchasing  
11      goods or services.

12      In such a distributed computer network, a merchant or  
13      vending computer contains certain promotional information which  
14      is communicated to a customer's computer. This information is  
15      intended to give the customer sufficient information to make a  
16      decision on if the goods/services are acceptable.

17      As used within this discussion, the term "merchant computer"  
18      signifies a computer system which is used for the purpose of  
19      selling goods or services. The vendor itself does not  
20      necessarily own the computer; in some situations, the computer is  
21      operated on behalf of the merchant or vendor.

22      Based upon the promotional information, the  
23      consumer/operator of the customer's computer decides to purchase  
24      the services or goods described by the promotional information.

25      It is at this point where the present invention is  
26      particularly powerful as it provides a simple, easy, methodology

1 and linkage for the customer to pay for the goods/services.

2       In this context, the customer's computer is linked to a  
3 payment processing computer and the customer's credit card number  
4 and the amount of the goods or services is transmitted to the  
5 payment processing computer. For security reasons, an encrypting  
6 software package is first downloaded to the customer's computer  
7 so that the credit card number is secure from "hackers" who might  
8 also be on the network.

9       Although the term "credit card" is used, the invention  
10 covers the use of any type of financial guarantee card such as  
11 automatic debit accounts, checking account numbers, savings  
12 account numbers, and other such devices obvious to those of  
13 ordinary skill in the art.

14       The payment processing computer automatically contacts a  
15 bank for verification of the credit card and amount; the bank  
16 transmits an authorization to the payment processing computer.  
17 This authorization, usually in the form of a number, is stored  
18 within the payment processing computer's memory for later  
19 reference.

20       The link or connection with the bank is terminated by the  
21 payment processing computer and the payment processing computer  
22 turns its attention to the customer's computer. The payment  
23 processing computer communicates a self-generated transaction  
24 indicia, and in some embodiments a password, to the customer's  
25 computer.

26       The transaction indicia is generated by the payment

1 processing computer for proper record keeping. The transaction  
2 indicia is also used by the customer to verify that an order has  
3 been generated and accepted.

4 The password is defined by the merchant's computer for the  
5 payment processing computer to pass along to the customer's  
6 computer. The password is used by the customer's computer to  
7 gain access to restricted material within the merchant's  
8 computer.

9 As example, assume the merchant's computer is supplying  
10 information as to genealogy. As an initial process, the customer  
11 enters the name being researched and receives a preliminary  
12 report on the genealogy (the promotional material). To proceed  
13 though, and get the actual data, the customer must pay to access  
14 this further information.

15 To do so, the customer links with the payment processing  
16 computer, and in the manner outlined above, receives back the  
17 transaction indicia and the password. The payment processing  
18 computer links the customer computer back to the merchant  
19 computer; the customer provides the password to the merchant's  
20 computer and is given access to the full genealogy report.

21 As outlined in this example, in the embodiment where a  
22 password is used, the customer's computer uses the password with  
23 the merchant's computer in obtaining access to protected  
24 information or to establish shipping instructions.

25 The re-linking of the customer computer to the merchant  
26 computer is accomplished in a variety of ways. In the preferred

1 embodiment, the payment processing computer obtains the  
2 merchant's address or Unique Recognition Location (URL) from the  
3 customer computer when the customer connects with the payment  
4 processing computer. This URL is used in a variety of ways, to  
5 identify the merchant, to establish the amount of the  
6 product/service, and to establish the return URL when the payment  
7 processing computer is done with its task for the customer  
8 computer.

9 By selective use of the URL on the merchant's part, the URL  
10 transmits a tremendous amount of information to the payment  
11 processing computer. As example, assume the URL for the home-  
12 page of the merchant is: <http://merchant.com/widget>.

13 When the merchant is selling a single product (a widget),  
14 this URL is easy to match to the product. When the merchant  
15 wants to sell a variety of widgets, then for a blue widget, the  
16 URL might be: <http://merchant.com/widget/blue>.

17 In some embodiments, the customer's computer is not linked  
18 back to the originating URL of the Merchant computer but rather  
19 to another URL. The return URL is stored in the payment  
20 processing computer and is used when the Merchant wants the  
21 customer/consumer to be passed back to a different location (i.e.  
22 where the restricted access information is accessible, or to  
23 inform the consumer that their card has been rejected).

24 The invention, together with various embodiments thereof,  
25 will be more fully explained by the accompanying drawings and the  
26 following descriptions.

1 Drawings in Brief:

2 Figures 1A and 1B are block diagrams of the two computer  
3 configurations used in the preferred embodiment.

4 Figure 1C is a graphical representation of the preferred  
5 memory organization for the computer illustrated in figure 1A.

6 Figures 2A, 2B, 2C, 2D, and 2E graphically illustrate the  
7 connections and disconnections of the preferred order.

8 Figures 3A, 3B, 3C, and 3D are frontal views of one  
9 embodiment of a consumer's display screen.

10 Figure 4A is a flow-chart of the preferred embodiment's  
11 payment processing operation.

12 Figure 4B is a flow-chart of an alternative embodiment's  
13 payment processing operation.

14 Figure 5 is a flow-chart of the operation of the merchant's  
15 computer.

1 Drawings in Detail:

2 Figures 1A and 1B are block diagrams of the two computer  
3 configurations used in the preferred embodiment.

4 Figure 1A illustrates the configuration of the preferred  
5 payment processing computer. As shown, computer 10A is a simple  
6 layout of a Central-Processing-Unit (CPU) 11A which uses both  
7 non-volatile memory 12A and Random-Access-Memory (RAM) 13A.

8 Communication to and from CPU 11A is via modem 14A which  
9 communicates with other computers via the network connected by  
10 phone line 15A.

11 Computer 10B, illustrated in figure 1B, shows the preferred  
12 computer configuration used for the merchant computer and the  
13 customer computer. Again, CPU 11B is connected to memories RAM  
14 13B and non-volatile memory 12B. In the case of the merchant  
15 computer, the promotional material is stored on non-volatile  
16 memory 12B and is retrieved and communicated by CPU 11B using  
17 modem 14B and phone line 15B.

18 This system is able to communicate with an operator via  
19 monitor 16 for visual information. Monitor 16 is used for the  
20 perusal of the promotional material by the customer.

21 Keyboard 17 is used to communicate operator commands to CPU  
22 11B. In like fashion, mouse input device 18 is also used for  
23 operator input to CPU 11B.

24 Optional printer 19 is used to create a hard copy of the  
25 material being displayed to the operator/customer via monitor 16.

26 The differences between the computers shown in figure 1A and

1 1B are pronounce since the payment processing computer of figure

2 1A does not require input or direction from a human operator.

3 Rather, in the preferred embodiment, the payment processing  
4 computer runs totally automatically and collects all of the data  
5 and information it requires for its operation automatically from  
6 the computers with which it is linked and with what is stored in  
7 its memory.

8 Figure 1C is a graphical representation of the preferred  
9 memory organization for the computer illustrated in figure 1A.

10 Memory 9, located preferably in non-volatile memory 12A, has  
11 three sections. The first section 8A is the product listing  
12 reference which is composed of multiple groupings. This data  
13 remains relative constant and is defined by the merchant. Each  
14 grouping, such as 7A, includes data identifying:

15                   Part Number

16                   Merchant Identification

17                   Cost of Product/Service

18                   Description of the Product/Service

19                   Authorized Return URL

20                   Rejected Return URL

21                   Password

22 The second section is for defining the merchant's  
23 information. Each grouping 7B within section 8B contains  
24 relative constant information such as:

25                   Merchant Identification

26                   Business Name

1 Contact Name within the Business

2 Business Address

3 E-Mail address for the Business

4 Bank Checking Number for the Business

5 The third section 8C is an accounting listing which is  
6 constantly up-graded as new payments are processed. This section  
7 is used for making full accounting to the various merchants.

8 Grouping 7C within section 8C contain:

9 Transaction Number

10 Date of transaction

11 Amount of the transaction

12 Part number involved in transaction

13 Credit Card Number

14 Authorization Number

15 The authorization number is the indicia received from the  
16 bank indicating that the credit card charge has been accepted.

17 The use of memory 9 allows the payment processing computer  
18 to have access to the necessary information to handle the linkage  
19 and perform the proper accounting.

20 Figures 2A, 2B, 2C, 2D, and 2E graphically illustrate the  
21 connections and disconnections of the preferred order.

22 Referring to figure 2A, in a typical fashion, a consumer via  
23 customer computer 21 enters the network 20 and searches through  
24 various merchant computers until the consumer locates the  
25 merchant of choice and connects with merchant computer 22.

26 Merchant computer 22 communicates the promotional material via

1 network 20 to customer computer 21.

2       When the consumer decides to buy the service or product from  
3 merchant 22, as shown in figure 2B, the link with merchant  
4 computer 22 is broken and customer computer 21 links with the  
5 payment processing computer 23. In the change from merchant  
6 computer 22 to payment processing computer 23, an indicia of the  
7 URL or the product being promoted by merchant computer 22 is  
8 communicated to the payment processing computer 23.

9       The indicia as a URL of the last site is available through  
10 normal network operations and its handling is obvious to those of  
11 ordinary skill in the art. The product number is easily  
12 combined with the URL; thereby making the product number also  
13 available to the payment processing computer 23.

14       In some embodiments, the originating URL is crossed checked  
15 to a memory data base to achieve the product number. In this  
16 embodiment, the merchant structures its material so that only a  
17 single product/service is associated with a specific URL.

18       Using the product number (or developing the product number  
19 from the merchant's URL), the payment processing computer is able  
20 to cross reference its own memory (as described earlier) to  
21 achieve other important information including: the amount of the  
22 product/service, a description of the product/service, the name  
23 and address of the merchant, and other which will be used in  
24 later operations.

25       The payment processing computer 23 accepts from the customer  
26 computer 21, the credit card account number which is to be

1 debited the amount of the product.

2 As shown in figure 2C, in this embodiment, while maintaining  
3 linkage with the customer computer 21, the payment processing  
4 computer 23 establishes a link via phone lines 25 with the credit  
5 card server computer 24. The credit card account number and  
6 amount is communicated to the credit card server computer 24  
7 which responds to the payment processing computer 23 with an  
8 authorization indicia. This authorization indicia gives the  
9 acceptance or denial of the charge.

10 If a product is to be shipped, and if the charge has been  
11 authorized, as shown in figure 2D, the payment processing  
12 computer 23 connects with the merchant computer 22 and directs  
13 the merchant to ship the product to the consumer.

14 As shown in figure 2E, since the payment processing computer  
15 23 has identified the product number, it is able to retrieve from  
16 its memory the URL for reconnecting the customer computer 21 with  
17 the merchant computer 22. In this manner, the entire operation  
18 is totally transparent to the consumer since they feel they have  
19 been continuously working with the merchant computer 22.

20 Further, using the URL's from its memory, the payment  
21 processing computer 23 is able to link the customer computer 21  
22 to the merchant computer 22 at an address which is different from  
23 where the consumer was originally connected. In this manner, the  
24 payment processing computer 23 is able to direct the consumer to  
25 different locations which are consistent with the authorization  
26 indicia (accept/reject) on their credit card.

1 As example, assume, the credit card was authorized, then the  
2 consumer could be reconnected to an area which has restricted  
3 access so that the consumer can gain the information paid for; if  
4 on the other hand, the credit card was rejected, the connection  
5 would be to a page indicating such and possibly asking for  
6 another card number.

7 In this manner, the payment processing computer 23 is able  
8 to control the operation and interface between the customer  
9 computer 21 and the merchant computer 22.

10 Periodically, the payment processing computer 23 connects  
11 via the phone lines 25 with the credit card server 24 and  
12 instructs it to transfer the appropriate amount of funds to the  
13 merchant's bank computer 26 so that the merchant has access to  
14 the funds paid for his product/service provided to the consumer.

15 Figures 3A, 3B, 3C, and 3D are frontal views of one  
16 embodiment of a consumer's display screen.

17 Screen 30A is designed to provide the promotional  
18 information so that the consumer is attracted to purchase the  
19 product. In screen 30A is the name of the merchant company (XYZ  
20 CO.) 31, the name of the product (widget) 32, the price (\$14.95)  
21 33, and the part number (#10234) 34.

22 Also located on screen 30A is a software key 35 which allows  
23 the consumer to pay for the product. In this embodiment, by  
24 activating this software key 35 (typically through a click of the  
25 mouse), screen 30A is changed to screen 30B which is identical  
26 except that the software key 35 has been replaced with an order

1 window 36.

2       Order window 36 allows the consumer to complete the  
3 necessary information to order the product. This includes the  
4 part number 37A, the amount 37B, and the credit card number 37C.  
5 When the consumer is ready, the software key "Send" 37D or the  
6 software key "Cancel" 37E is activated. In the case of a cancel,  
7 the screen returns to screen 30A.

8       In a "send" 37D, mode, the payment processing computer  
9 contacts the bank computer and determines if the credit card is  
10 valid and if the amount is available. If the charge is  
11 authorized, the screen changes to 30C in which the order window  
12 36 has been replaced with authorization window 38 which shows  
13 that the charge has been accepted 39A, the transaction no.  
14 (A1483) 39B, and the password ("GO") 39C which the consumer is to  
15 use with the merchant.

16       When this information has either been printed or committed  
17 to memory, the consumer activates software key 39D to "Proceed"  
18 to screen 30D. At this point, the consumer is able to enter the  
19 password 29 so that the restricted access is lifted. In the  
20 genealogy example, it is at this point the consumer gains access  
21 to the full report.

22       Figure 4A is a flow-chart of the preferred embodiment's  
23 payment processing operation.

24       After start 40A, a connection is made with the customer  
25 computer 41A and the encryption software is downloaded to the  
26 customer computer 41B. Encryption software is preferably used

1 for transmittal of the credit card number so that the integrity  
2 of the card is not jeopardized.

3       The consumer computer then communicates, and the payment  
4 processing computer accepts, the account number, the amount, and  
5 the identification of the product or service, 42A. A connection  
6 is made with the credit card server 41C and the account number  
7 and amount is transmitted 41D to the credit card server over the  
8 established phone lines. In response to this query, the  
9 authorization data is received 42B and the connection with the  
10 credit card server 41E is broken.

11       A transaction indicia is generated 41F. This transaction  
12 indicia is not the authorization data but serves as an internal  
13 monitoring system for the payment processing computer so that the  
14 accounting is kept accurate.

15       From the memory, the password is withdrawn 41G for the  
16 product so ordered; and, the password and transaction indicia is  
17 transmitted to the customer computer 41H.

18       At this point, the connection with the customer computer is  
19 terminated 41I and the program stops 40B.

20       Figure 4B is a flow-chart of an alternative embodiment's  
21 payment processing operation.

22       After start 43A, the program connects with the customer  
23 computer 44A and at the same time obtains the merchant URL 45A.  
24 Using the merchant URL, the payment processing computer searches  
25 its memory and identifies the merchant number, the part number,  
26 and the purchase amount 44B.

1 The encryption software is downloaded into the customer  
2 computer 44C and the credit card account number is received 45.  
3 A connection is then made with the credit card server computer  
4 44D and the account number and the amount is transmitted 44E.  
5 This inquiry results in an authorization code 45C being received  
6 and the connection with the credit card server being broken 44F.

7 A check is then made to see if the credit card purchase was  
8 authorized 46A.

9 If the credit card purchase was denied, the URL to use for a  
10 rejection is withdrawn from memory 44G and the Customer computer  
11 is connected to the merchant computer at this URL 44H leaving the  
12 payment processing computer able to disconnect 44I and stop 43B.

13 Should the credit card purchase be accepted, 46A, then the  
14 program generates a transaction identification 44J. This  
15 transaction identification is stored along with the date, amount  
16 of purchase, and the merchant number 44K.

17 The password is retrieved from memory 44L and it, together  
18 with the transaction identification, is transmitted to the  
19 customer computer 44M.

20 From memory, the authorized URL is withdrawn 44N.

21 A determination, based upon stored data, is made as to the  
22 character of the product (service or goods) 46B. If the product  
23 relates to goods which are to be shipped, a shipping order  
24 including the transaction identification, the amount, the date,  
25 and address of the customer, is communicated to the merchant 440  
26 to satisfy the order. If the product is a "service", the program

1 skis to step 44P.

2 The customer computer is then connected to the authorized  
3 URL 44P and the connection with the customer computer is  
4 terminated 44Q allowing the program to stop 43C.

5 Figure 5 is a flow-chart of the operation of the merchant's  
6 computer.

7 After start 50A, the merchant computer connects with the  
8 customer computer 51A and communicates the promotional material  
9 52A. The password is received from the customer 52B and is  
10 checked to see if it is the correct password 53A.

11 If the password is incorrect, a determination is made on if  
12 it is the customer's first try 53B; if it is, then the customer  
13 is given another chance to enter the correct password 52B. If  
14 the customer has tried twice to enter the correct password, the  
15 connection with the customer is terminated 51C and the program  
16 stops 50C.

17 If the password is correct, 53A, then the secure or  
18 restricted access data is communicated to the customer's computer  
19 51D and the connection with the customer's computer is terminated  
20 51B. The program then stops 50B.

21 In this manner, secure information is selectively  
22 transmitted to a customer's computer upon the presentation of a  
23 password.

24 It is clear from the foregoing that the present invention  
25 creates a highly improved system for acceptance and processing of  
26 payments over a distributed computer network.

What is claimed is:

- 1        1. A financial processing system comprising:
  - 2            a) automatic means for receiving a customer account data
  - 3            originating from a remote customer computer, and amount data from
  - 4            a remote merchant computer via a computer network;
  - 5            b) automatic means for communicating said customer account
  - 6            data and said amount data to a remote bank computer via a
  - 7            telephone network;
  - 8            c) automatic means for receiving an authorization indicia
  - 9            from said bank computer via the phone network; and,
  - 10          d) automatic means for communicating via said computer
  - 11          network a representation of said authorization indicia to said
  - 12          merchant computer.
- 1        2. The financial processing system according to claim 1,
  - 2            a) further including automatic means for communicating a
  - 3            unique password to said customer computer.
- 1        3. The financial processing system according to claim 2,
  - 2            further including automatic means for communicating via said
  - 3            computer network, said password and said representation of said
  - 4            transaction indicia to said remote customer computer.

1       4. The financial processing system according to claim 2,  
2       wherein said automatic means for receiving a customer account  
3       data includes means for establishing a data link with said remote  
4       customer computer.

1       5. The financial processing system according to claim 2,  
2       wherein said automatic means for receiving a customer account  
3       data includes means for establishing a data link with said remote  
4       merchant computer.

1       6. A financial processing technique comprising the  
2       automatic steps of:  
3           a) over a computer network,  
4              1) receiving customer account data originating from a  
5              remote customer computer,  
6              2) receiving an amount data from a remote merchant  
7              computer; and,  
8           b) over a telephone network, communicating said customer  
9       account data and said amount data to a remote bank computer.

1           7. A financial transaction system comprising:

2           a) a merchant computer containing promotional data, said  
3        merchant computer having automatic means for communicating said  
4        promotional data via a computer network to a remote computer;  
5        and,

6           b) a financial processing computer, remote from said  
7        merchant computer, said financial processing computer having  
8        automatic means for:

9           1) receiving customer account data and amount data  
10           via said computer network,  
11           2) obtaining an authorization indicia via a telephone  
12           network, and,  
13           3) via said computer network, communicating a  
14           representation of said authorization indicia to a  
15           said merchant computer; and,

16           wherein said merchant computer includes automatic means for  
17        storing said representation of said authorization indicia within  
18        a memory of said merchant computer.

1           8. The financial transaction system according to claim 7,

2        wherein said merchant computer further includes automatic means  
3        for generating a shipping order in response to said  
4        representation of said authorization indicia.

1 9. The financial transaction system according to claim 7,

2 a) wherein said financial processing computer further

3 includes automatic means for communicating a password to said

4 customer computer; and,

5 b) wherein said merchant computer further includes:

6 1) memory means containing secured data, and,

7 2) automatic means for transmitting the secured data to

8 said customer computer in response to the password.

1 10. The financial transaction system according to claim 7,

2 wherein said password and said transaction indicia are

3 communicated to said customer computer via said merchant

4 computer.

Abstract:

An automated payment system particularly suited for purchases over a distributed computer network such as the Internet. In such a distributed computer network, a merchant or vending computer contains certain promotional information which is communicated to a customer's computer. Based upon the promotional information, the operator of the customer's computer decides to purchase the services or goods described by the promotional information. The customer's computer is linked to a payment processing computer and the customer's credit card number and the amount of the goods or services is transmitted to the payment processing computer. The payment processing computer automatically contacts a bank for verification of the credit card and amount; the bank transmits an authorization to the payment processing computer. The payment processing computer communicates a self-generated transaction indicia, and in some embodiments a password, to the customer's computer. In the embodiment where a password is used, the customer's computer uses the password with the merchant's computer in obtaining access to protected information or to establish shipping instructions.

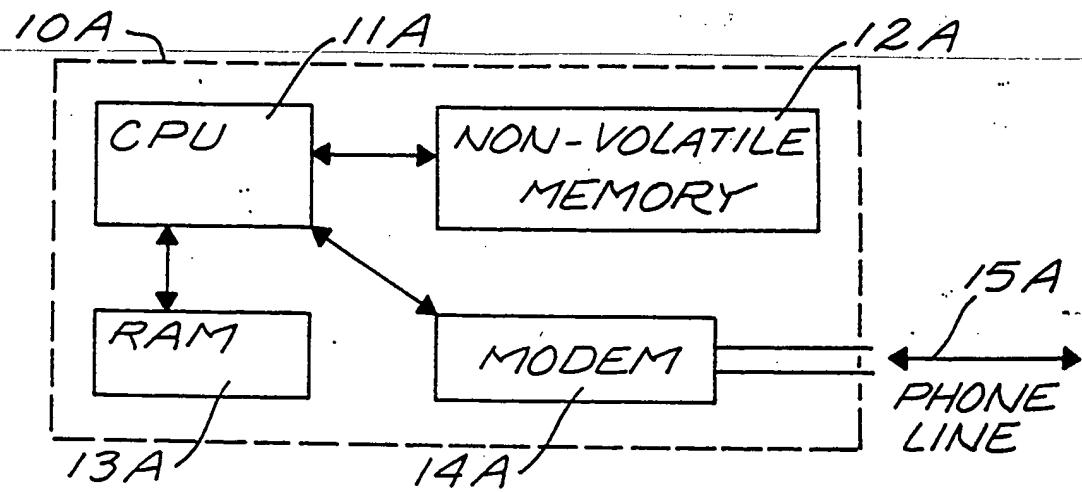


FIG. 1A

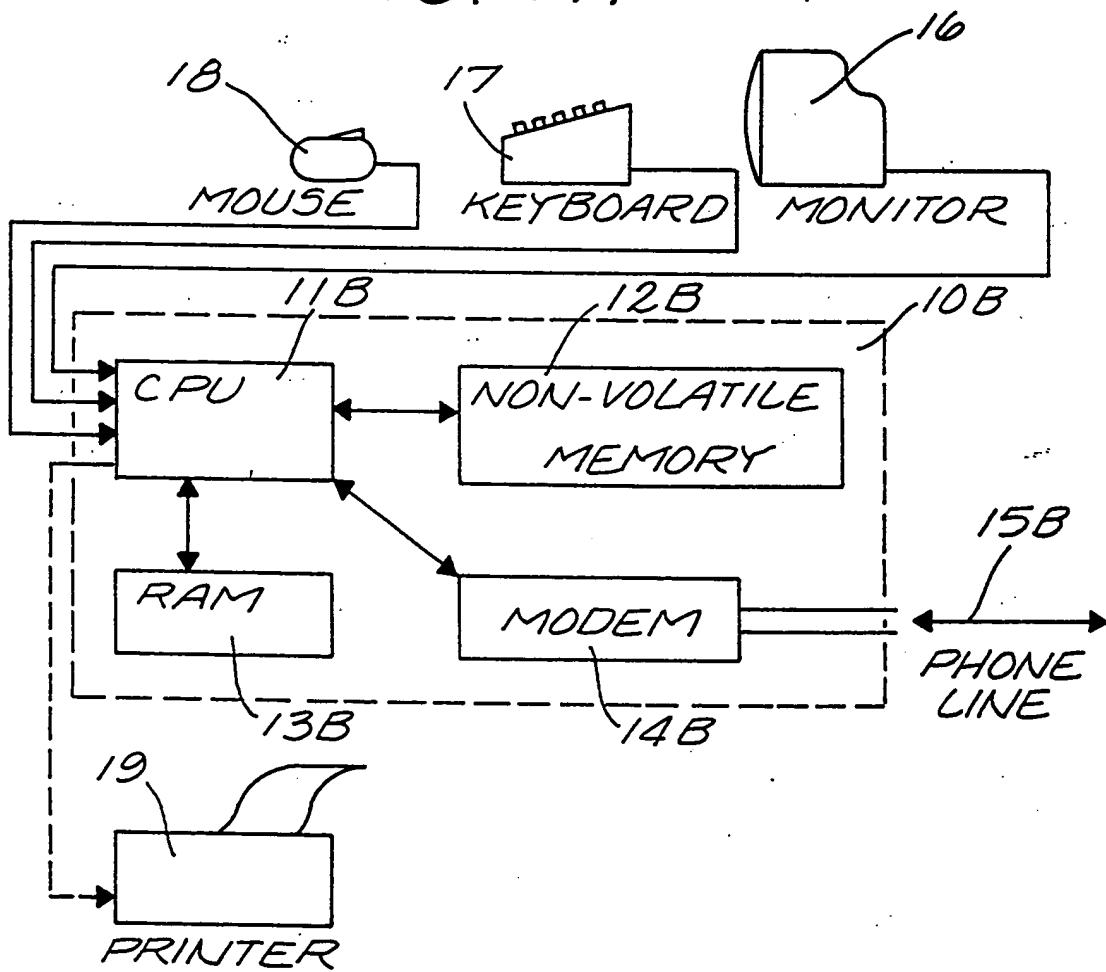


FIG. 1B

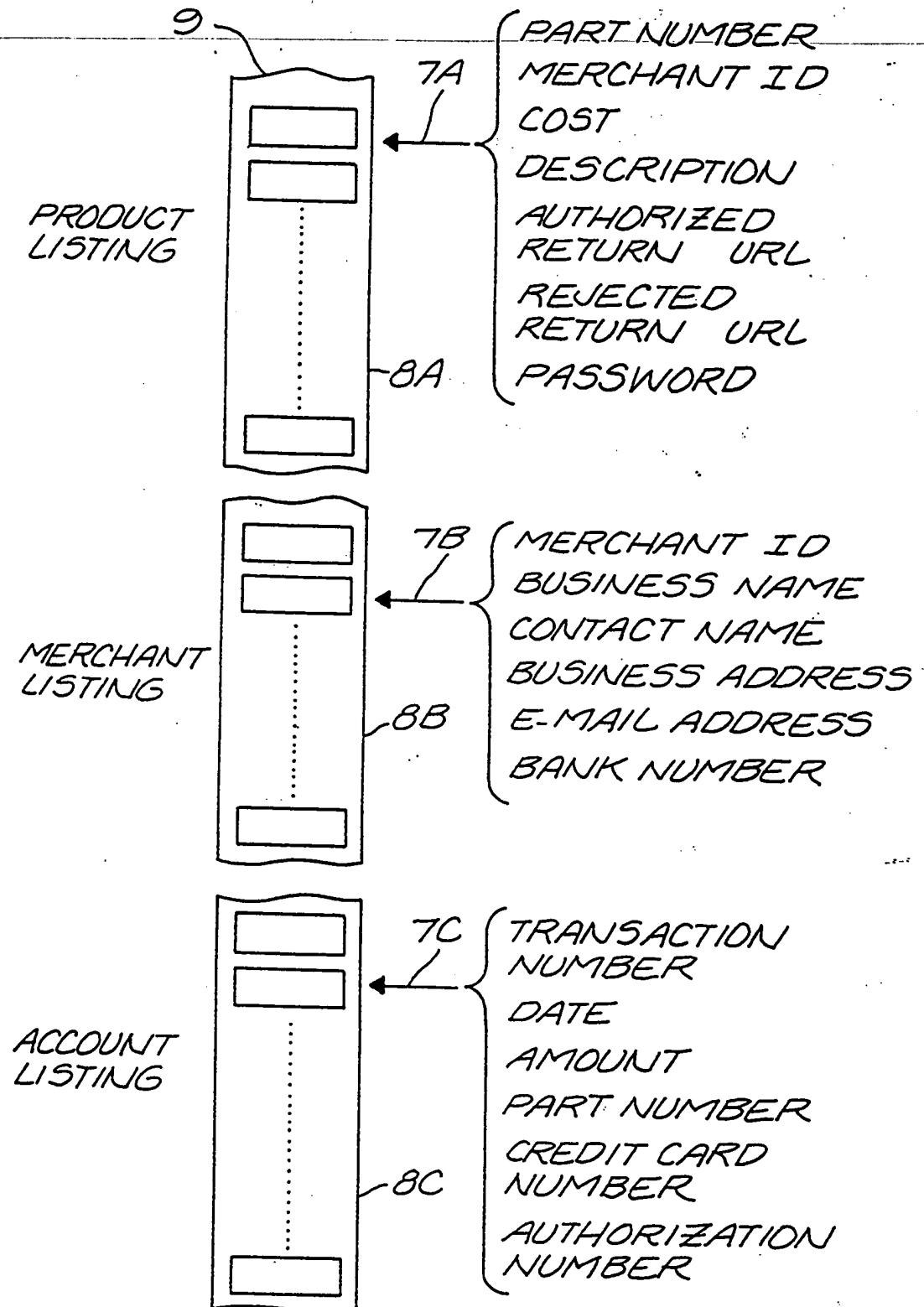
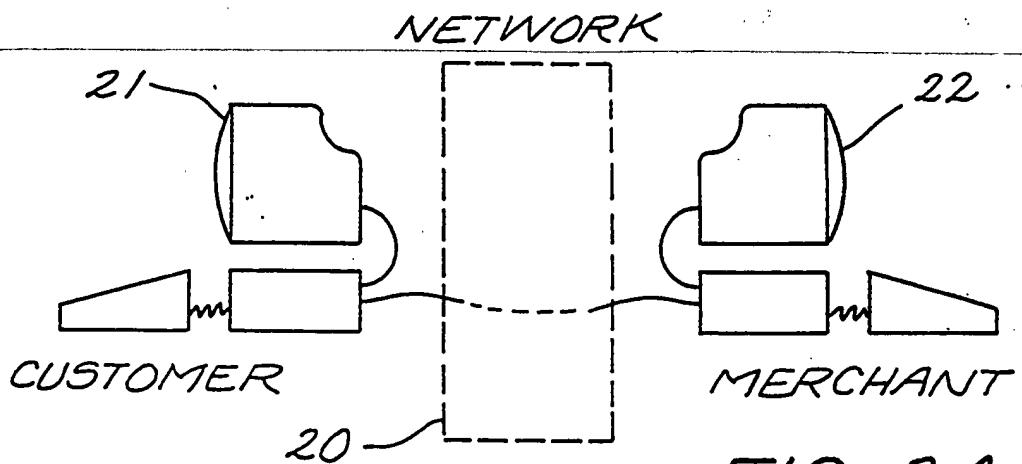
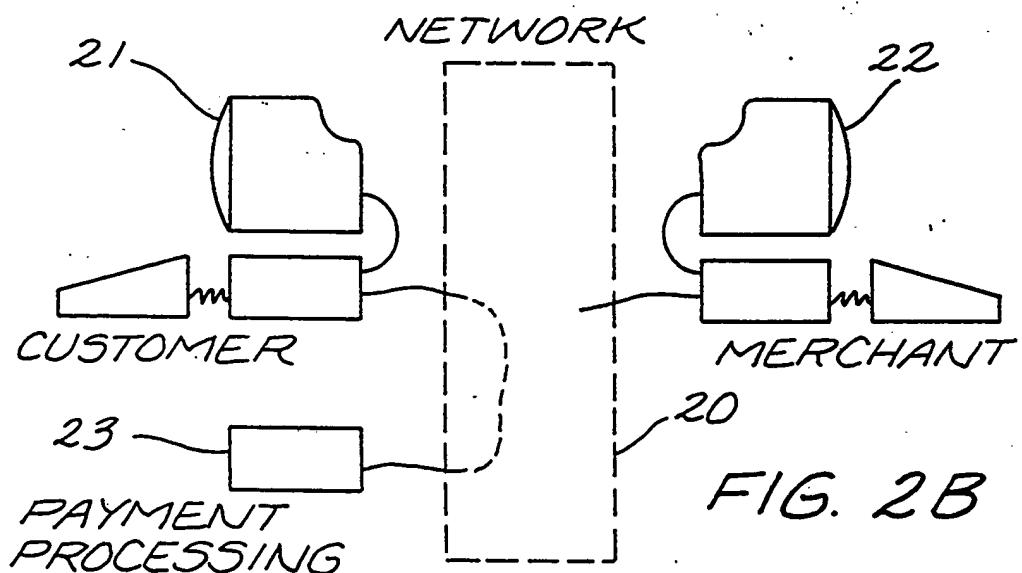


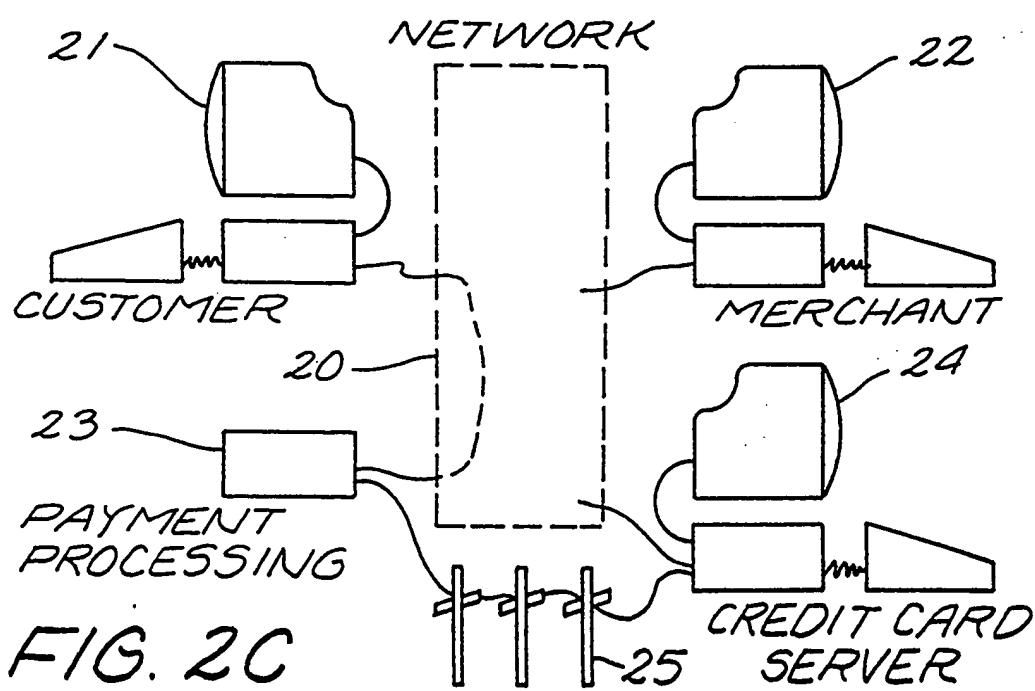
FIG. 1C



**FIG. 2A**



**FIG. 2B**



**FIG. 2C**

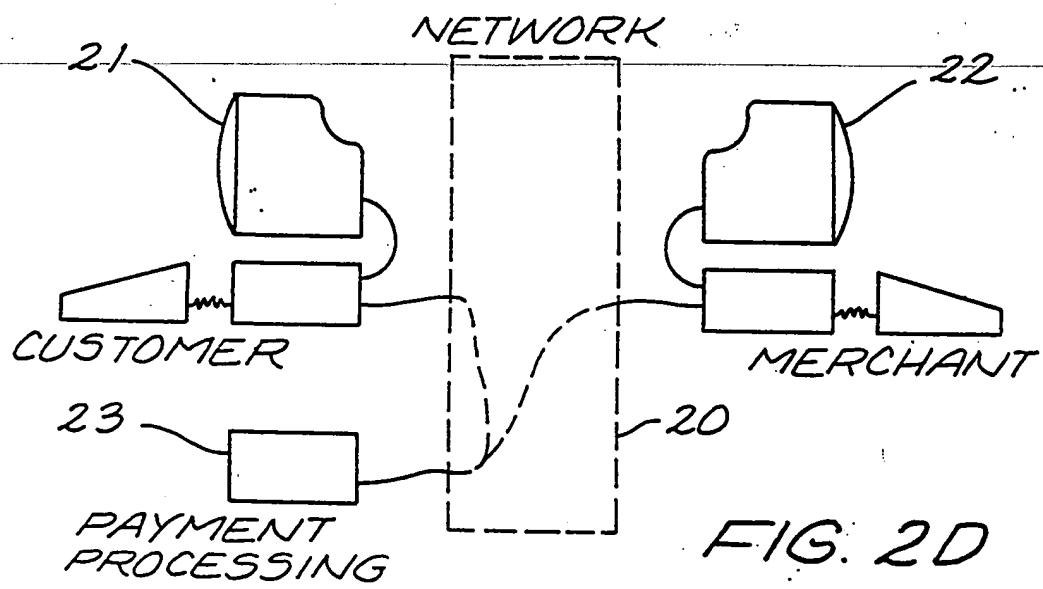


FIG. 2D

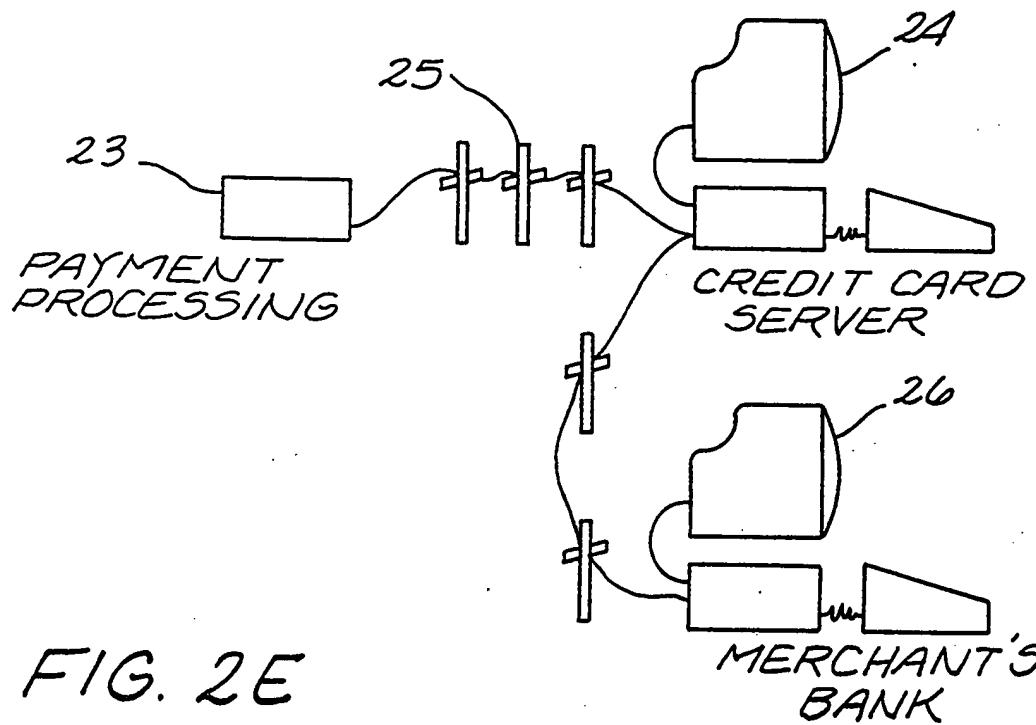
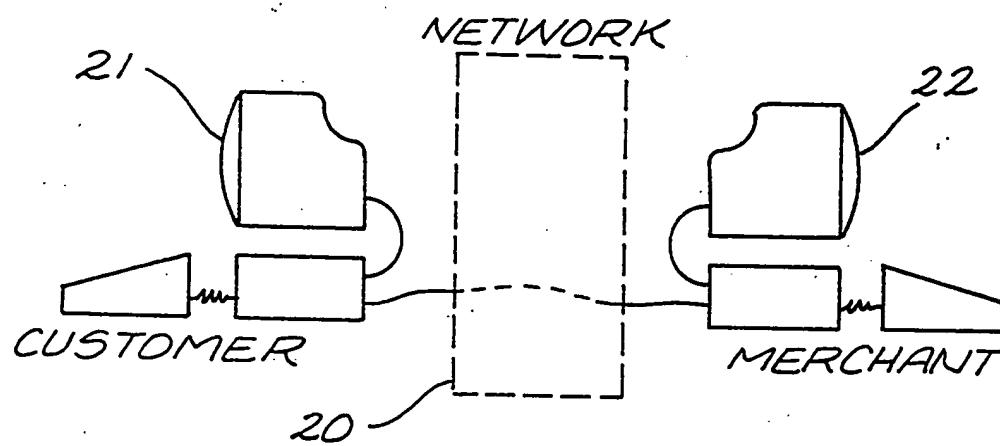


FIG. 2E

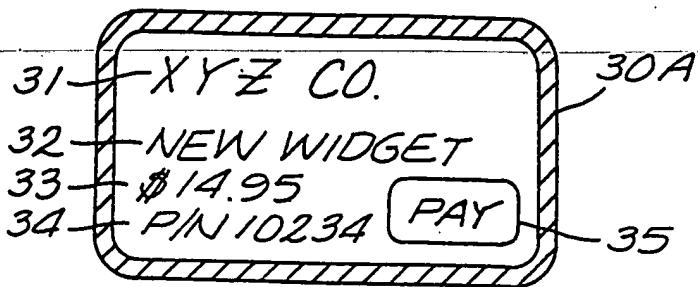


FIG. 3A

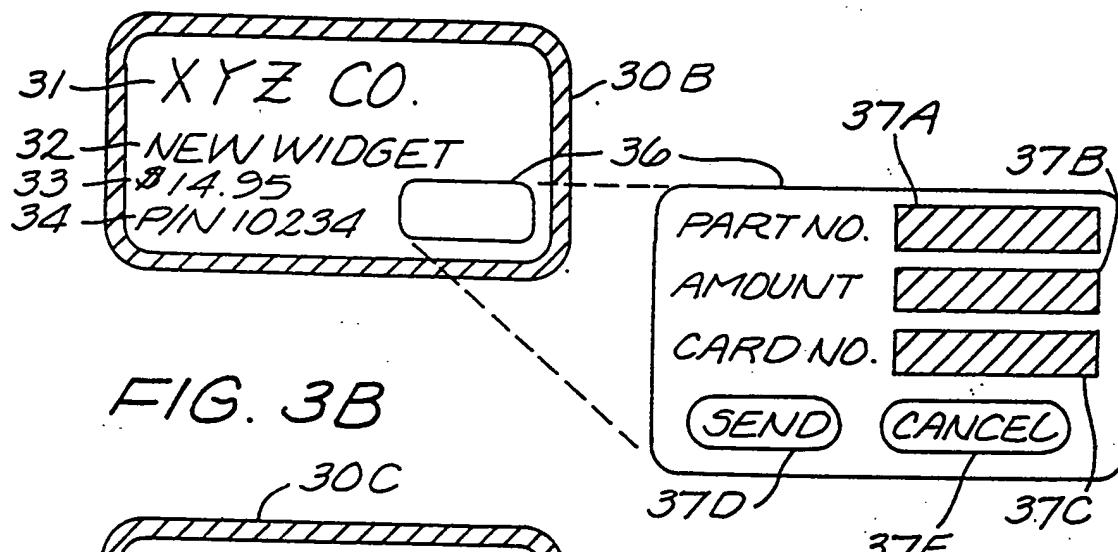


FIG. 3B

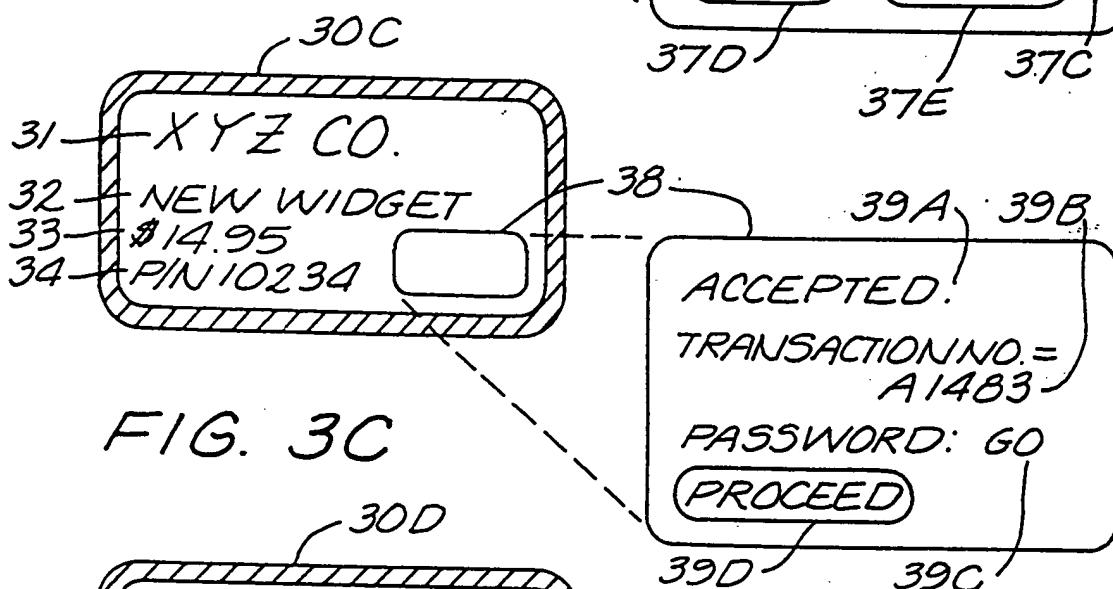


FIG. 3C

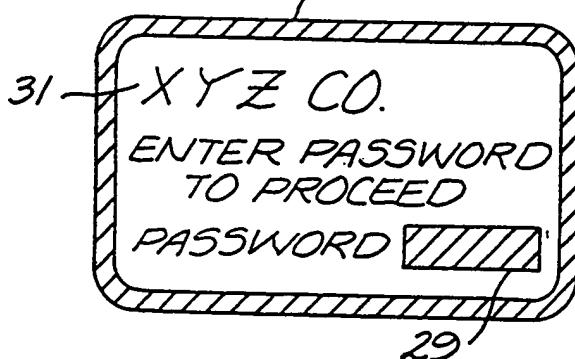


FIG. 3D

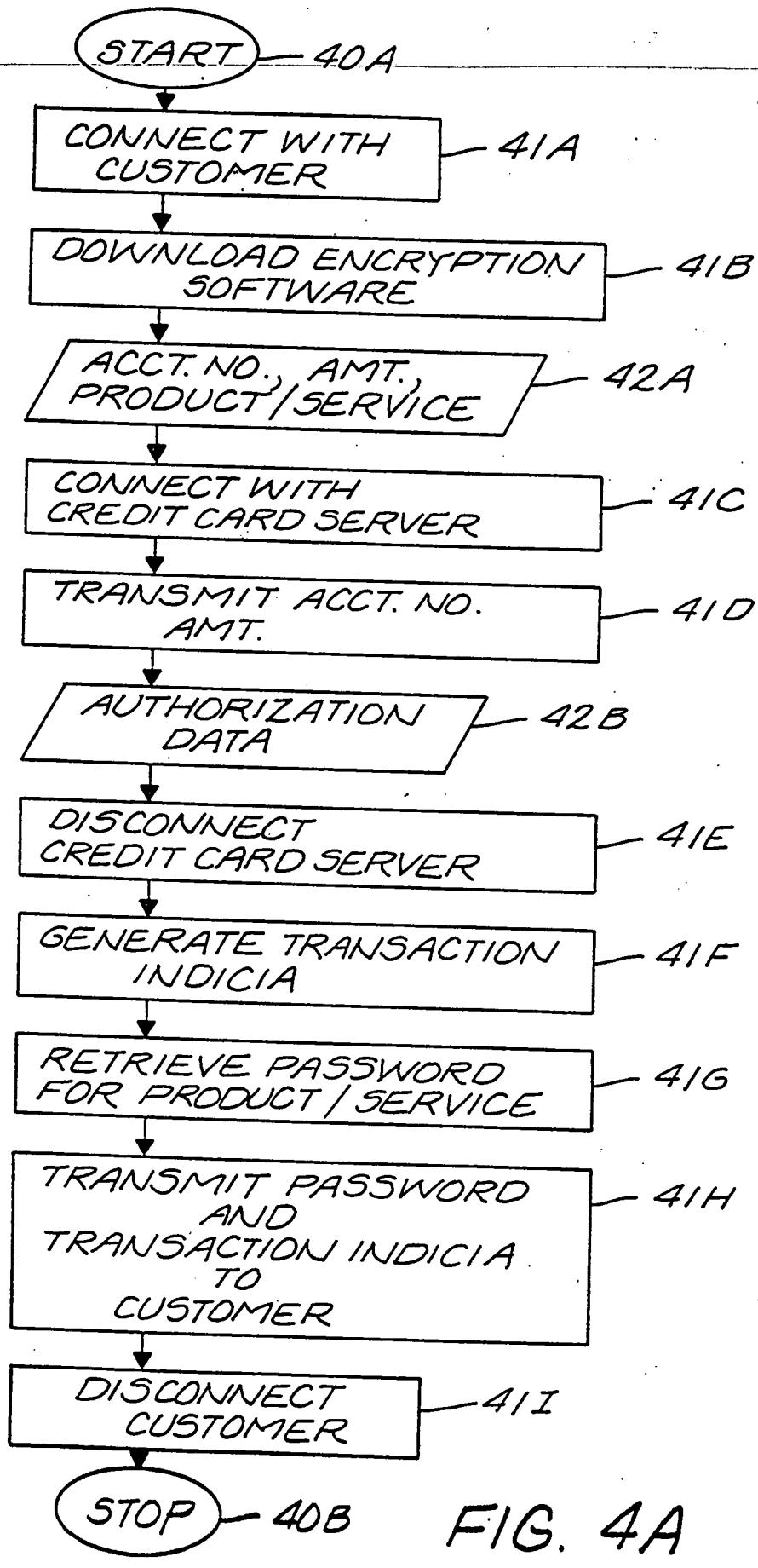
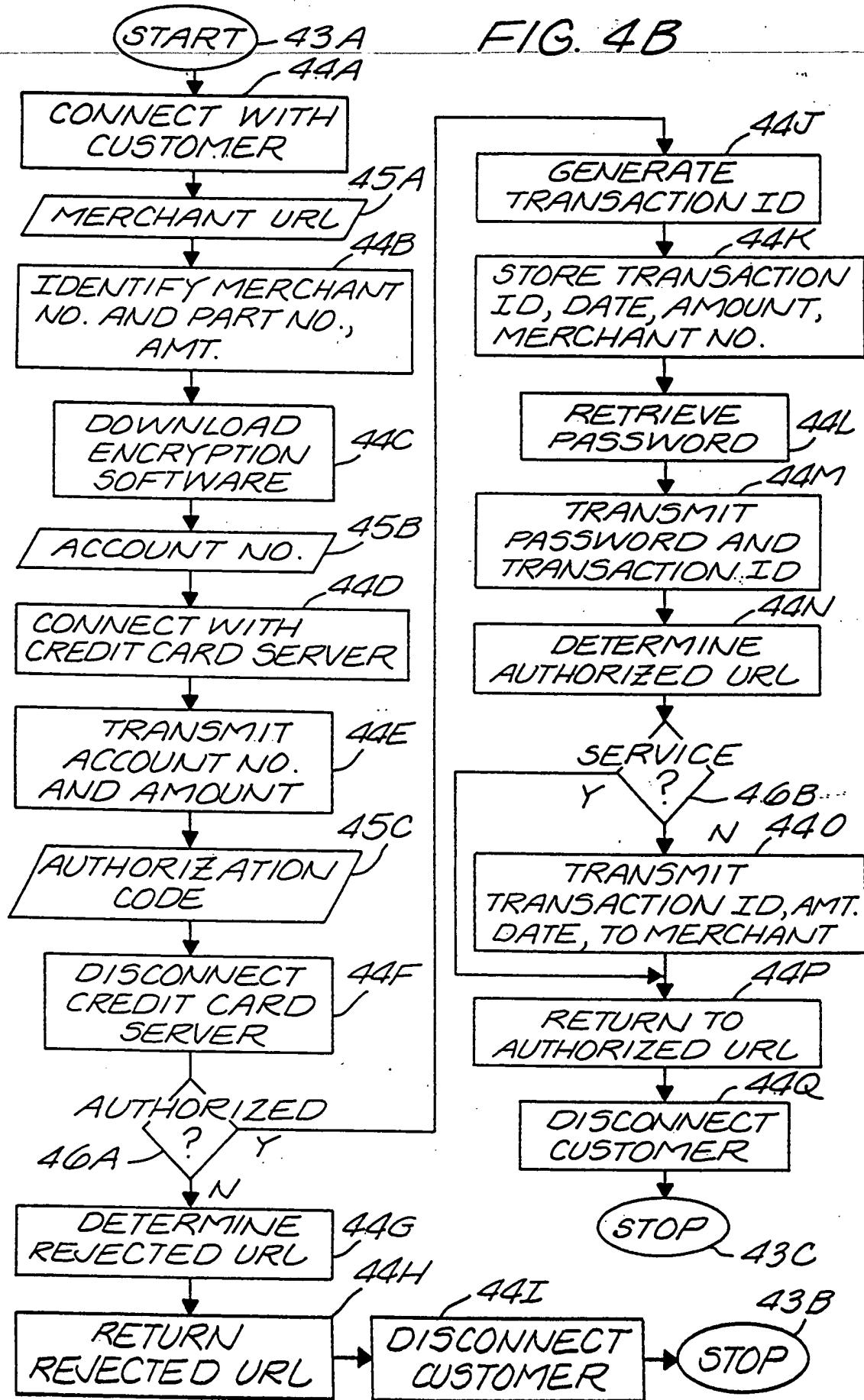


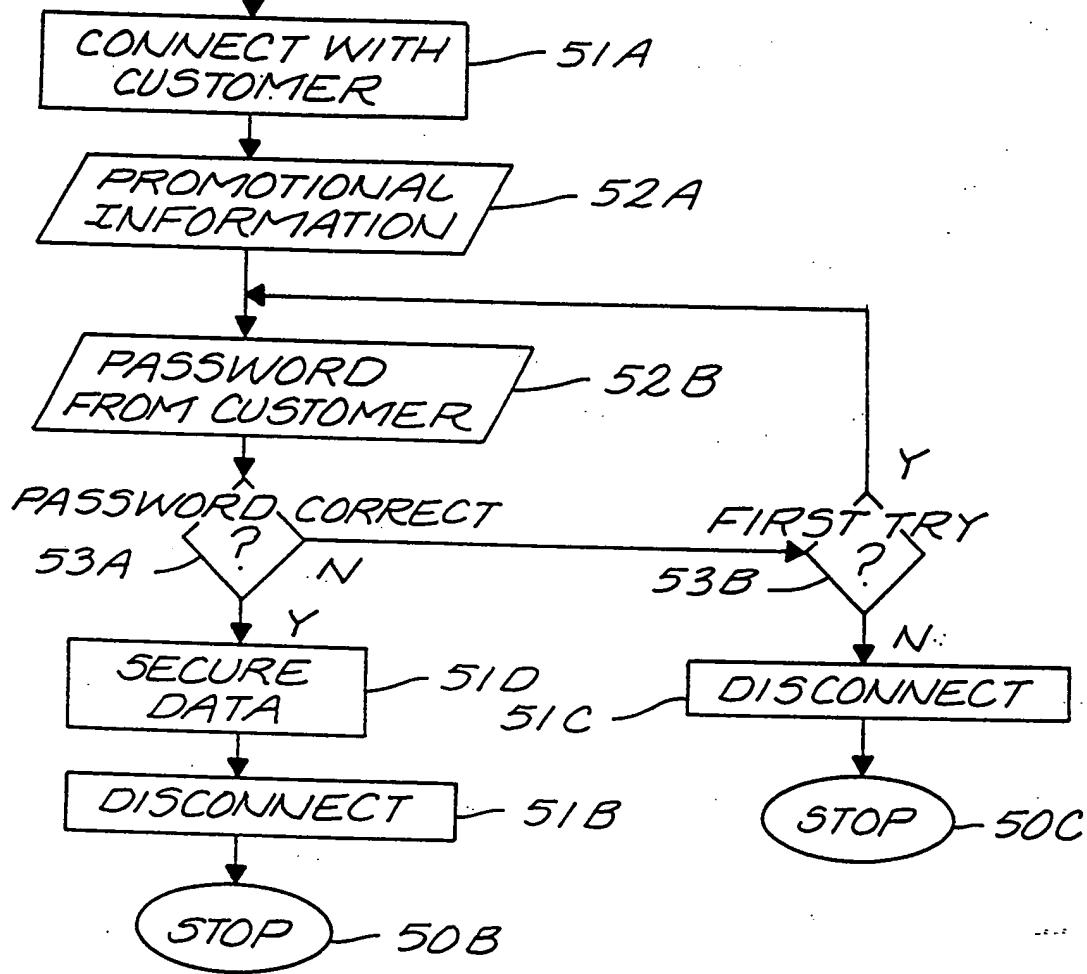
FIG. 4A



START

50A

FIG. 5



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